

# EXHIBIT A

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SUPERIOR COURT CLERK  
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CASE #: 25-2-11215-2 SEA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

ROBERT CLARK, individually and on behalf  
of all others similarly situated,

No.

Plaintiff,

## CLASS ACTION COMPLAINT

V.

WHITEPAGES, INC, a Delaware corporation,

Defendant.

Plaintiff Robert Clark (“Plaintiff”) individually and on behalf of all others similarly situated, brings this Class Action Complaint for violations of Colo. Rev. Stat. § 6-1-304 (Colorado’s “Prevention of Telemarketing Fraud Act” or “PTFA”) against Defendant Whitepages, Inc (“Whitepages” or “Defendant”). Plaintiff makes the following allegations pursuant to his counsel’s investigation and based upon information and belief, except as to allegations specifically pertaining to himself, which are based on personal knowledge.

## I. NATURE OF ACTION

1. On May 27, 2005, former Colorado Governor Bill Owens signed into law HB05-1288,<sup>1</sup> which amended the PTFA to prohibit commercially listing a cell phone number in a

<sup>1</sup> <https://www.leg.state.co.us/clics2005a/csl.nsf/fsbillcont2/1BB0D3E00348AC6987256F90007C20C7?Open>. See also [https://leg.colorado.gov/sites/default/files/images/olls/2005a\\_sl\\_180.pdf](https://leg.colorado.gov/sites/default/files/images/olls/2005a_sl_180.pdf).

1 directory, without permission.<sup>2</sup> See Colo. Rev. Stat. § 6-1-304(4)(a)(I).

2. This prohibition is designed to protect privacy. As former State Representative  
 3 Mark Cloer,<sup>3</sup> a prime sponsor of HB05-1288,<sup>4</sup> stated in describing this new portion of the PTFA:  
 4 “[m]ost people view their cell phones as private. They give out the number to friends and family  
 5 and some colleagues. When their cell phone rings, they expect it to be important.”<sup>5</sup>

3. Indeed, concern over cell phone privacy is widespread. According to a research  
 4 paper presented in May 2005 at the American Association for Public Opinion Research  
 5 (AAPOR)’s Annual Conference<sup>6</sup> and January 2006 at the American Statistical Association  
 6 (ASA)’s Second International Conference on Telephone Survey Methodology:<sup>7</sup>

10 [T]here appears to be a strong reluctance on the part of cell phone owners to have  
 11 their cell phone numbers listed in a directory. ....

12 This reluctance on the part of respondents to have their cell phone number listed in  
 13 a directory may be rooted in not wishing to incur additional costs due to unsolicited  
 14 incoming calls. ....

15 A more likely reason for their unwillingness to have their cell phone number listed  
 16 is that respondents view the cell phone as more of a private medium of  
 17 communication than their land-line phone. They probably wish to restrict access to  
 18 their cell phone number to family and friends.<sup>8</sup>

4. The Colorado General Assembly enacted subsection (4) of the PTFA to address  
 5 these privacy concerns and to protect cell phone users from the misappropriation of their personal  
 6 information. This aligns with the PTFA’s overall purpose, as articulated by Colo. Rev. Stat. § 6-  
 7 1-301:

21 The general assembly hereby finds, determines, and declares that the use of  
 22 telephones for commercial solicitation is rapidly increasing; that this form of

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23 <sup>2</sup> <https://www.leg.state.co.us/CLICS2005A/commsumm.nsf/IndSumm/574E34C489356ADA87256FB100612E60?OpenDocument>. See also <https://www.leg.state.co.us/CLICS2005A/commsumm.nsf/91320994cb8e0b6e8725681d005cb995/574e34c489356ada87256fb100612e60?OpenDocument>.

24 <sup>3</sup> See <https://www.leg.state.co.us/clics2005a/directory.nsf>.  
 25 <sup>4</sup> <https://lawcollections.colorado.edu/colorado-session-laws/islandora/object/session%3A36205> at p. 2461. See also <https://www.leg.state.co.us/CLICS2005A/csl.nsf>StatusAll?OpenFrameSet>.

26 <sup>5</sup> <https://www.9news.com/article/news/local/politics/legislative-library-feb-23-2005/73-344789916>.  
 27 <sup>6</sup> <https://aapor.org/wp-content/uploads/2024/05/AAPORPrograms2005.pdf> at pp. 13, 84.

<sup>7</sup> [https://scholar.google.com/citations?view\\_op=view\\_citation&hl=en&user=I2jkzr0AAAAJ&citation\\_for\\_view=I2jkzr0AAAAJ:M3ejUd6NZC8C](https://scholar.google.com/citations?view_op=view_citation&hl=en&user=I2jkzr0AAAAJ&citation_for_view=I2jkzr0AAAAJ:M3ejUd6NZC8C); <https://www.amstat.org/meetings/tsmii/2006/index.cfm?fuseaction=main>.

<sup>8</sup> <http://www.asasrms.org/Proceedings/y2005/files/JSM2005-000345.pdf> at p. 4005.

1 communication offers unique benefits, but entails special risks and poses the  
 2 potential for abuse; that the general assembly finds that the widespread practice of  
 3 fraudulent and deceptive commercial telephone solicitation has caused substantial  
 4 financial losses to thousands of consumers, and, particularly, elderly, homebound,  
 5 and otherwise vulnerable consumers, and is a matter vitally affecting the public  
 6 interest; and, therefore, that the general welfare of the public and the protection of  
 7 the integrity of the telemarketing industry requires statutory regulation of the  
 8 commercial use of telephones.

9  
 10 5. Colo. Rev. Stat. § 6-1-304(4) provides, in pertinent part:

11 (a) On or after September 1, 2005, a person commits an unlawful telemarketing  
 12 practice if the person knowingly: (I) Lists a cellular telephone number in a directory  
 13 for a commercial purpose unless the person whose number has been listed has given  
 14 affirmative consent, through written, oral, or electronic means, to such listing[.]

15 6. Despite this abundantly clear proscription, Defendant has listed the cellular  
 16 telephone numbers of thousands of Colorado residents in its for-sale and for-profit directories,  
 17 without requesting (let alone actually receiving) affirmative consent to such listings.

18 7. Thus, while Defendant profits handsomely from its unauthorized commercial  
 19 listing of Plaintiff's and other Class Members' personal information, it does so at the expense of  
 20 Coloradans' statutory privacy rights, under the PTFA.

21 8. Not only is Defendant's misappropriation unlawful – it is also dangerous. The  
 22 Federal Trade Commission's ("FTC") report on "Data Brokers" states:

23 There are a number of potential risks to consumers from data brokers' collection  
 24 and use of consumer data. ... [T]hey may facilitate the sending of advertisements  
 25 ... which some consumers may find troubling and which could undermine their  
 26 trust in the marketplace. Moreover, ... people search products can be used to  
 27 facilitate harassment, or even stalking, and may expose domestic violence victims,  
 28 law enforcement officers, prosecutors, public officials, or other individuals to  
 29 retaliation or other harm. [In addition, s]toring [d]ata [a]bout [c]onsumers  
 30 [i]ndefinitely [m]ay [c]reate [s]ecurity [r]isks[.]<sup>9</sup>

31 9. Plaintiff brings this action to prevent Defendant from further violating the privacy  
 32 rights of Colorado cell phone users and to recover statutory damages from Defendant, pursuant  
 33 to Colo. Rev. Stat. § 6-1-305(1)(c).

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## II. PARTIES

10. Plaintiff Robert Clark is a resident and citizen of Colorado Springs, Colorado. Plaintiff's cellular telephone number was listed by Defendant in its directory, available at whitepages.com, to advertise and/or actually sell products and services. Defendant never requested – and Plaintiff never provided – affirmative consent, through written, oral, or electronic means, to such listing. In fact, Plaintiff has no relationship with Defendant whatsoever. Plaintiff had never heard of Defendant and had no reasonable ability to discover Defendant's use of his personal information until shortly before filing suit.

11. Defendant Whitepages, Inc is a Delaware corporation with its principal place of business at 2033 6th Avenue, Suite 1100, Seattle, Washington 98121. Defendant operates the directory whitepages.com. Therein, and for commercial purposes, Defendant has listed the cellular telephone numbers of thousands of individuals whom it knows to reside in Colorado.

### III. JURISDICTION AND VENUE

12. This Court has jurisdiction over this action pursuant to RCW 2.08.010.

13. This Court has personal jurisdiction over Defendant because it maintains its principal place of business in King County, Washington.

14. Venue is proper in this Court pursuant to RCW 4.12.025 because Defendant resides in King County, Washington.

#### IV. FACTUAL ALLEGATIONS

## A. Overview of Defendant's Directory

15. Defendant is a data broker – a company “that collect[s] consumers’ personal information and resell[s] or share[s] that information with others[.]”<sup>10</sup>

16. Specifically, Defendant provides online “people search” (also known as “people finder”) services. People search companies, like Defendant, specialize in compiling vast amounts

<sup>10</sup> <https://www.ftc.gov/system/files/documents/reports/data-brokers-call-transparency-accountability-report-federal-trade-commission-may-2014/140527databrokerreport.pdf> at p. i.

1 of information about individuals from various sources.<sup>11</sup>

2 17. Defendant and its competitors monetize said personal details through their  
 3 directories – some of which are ad-supported and give users free access to the data, and others of  
 4 which furnish reports about people for a fee.

5 18. Defendant's directory is available at whitepages.com. There, anyone on the  
 6 Internet can view Coloradans' "verified phone numbers, home addresses, email addresses,  
 7 relatives, property records, background reports, and more."<sup>12</sup>

8 19. This is achieved by simply searching an individual by name, city, state, phone  
 9 number, address, and/or other parameters:<sup>13</sup>

10

11  SEARCH. FIND. KNOW. [Log In](#) [Sign Up](#)

12

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## People Search

14 Search by name to **find people and get contact information** for  
 15 over 250 million U.S. adults.

16 [PEOPLE SEARCH](#) [REVERSE PHONE](#) [REVERSE ADDRESS](#)

17   [Search](#)

18  Get the phone number  Lookup current address  Find verified emails

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21 20. Users of whitepages.com can also find people listed by last name and city (i.e.,  
 22 those with the surname of "Anderson" in Denver):<sup>14</sup>

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26 <sup>11</sup> <https://consumer.ftc.gov/articles/what-know-about-people-search-sites-sell-your-information>.

27 <sup>12</sup> <https://www.whitepages.com/people-search>.

<sup>13</sup> *Id.*

<sup>14</sup> <https://www.whitepages.com/white-pages/denver-co/a>.

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whitepages<sup>®</sup>
SEARCH. FIND. KNOW.
PEOPLE
PHONE
ADDRESS

e.g. Jon Snow

City, State or ZIP

🔍

Log In

Sign Up

## Popular last names starting with A in Denver, CO

[Home](#) > [White Pages](#) > [Colorado](#) > [Denver](#) > [A](#)

Anderson	Allen	Adams	Aguilar	Alvarez
Archuleta	Aragon	Alexander	Alvarado	Acosta
Avila	Aguirre	Arellano	Armstrong	Abeyta
Apodaca	Andrade	Ayala	Andrews	Arnold
Al	Ali	Acevedo	Austin	Armijo
Atencio	Armendariz	Arroyo	Ahmed	Amaya
Anaya	Arreola	Avalos	Arguello	Arias

21. After entering this information, a whitepages.com user is furnished a list of search results. Each result corresponds to an actual person that Defendant has located who matches the searched parameters.<sup>15</sup>

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in [REDACTED] 1000+ people found

Find [REDACTED] current address in [REDACTED] phone number and email. Contact information for people named [REDACTED] found in [REDACTED] ... more

AGE [REDACTED] [REDACTED] View Full Report

MAY GO BY [REDACTED]

ADDRESSES [REDACTED]

RELATED TO [REDACTED]

EMAIL [REDACTED]

[Phone](#) | [Address](#) | [Email](#)

View Full Report

AGE [REDACTED] [REDACTED] View Full Report

MAY GO BY [REDACTED]

ADDRESSES [REDACTED]

RELATED TO [REDACTED]

EMAIL [REDACTED]

[Phone](#) | [Address](#) | [Email](#)

View Full Report

<sup>15</sup> Note, in this image of whitepages.com's search results, Plaintiff's counsel has redacted certain sensitive personal information (black portions). Defendant, itself, also blurs certain information (pixelated portions) to entice users to purchase Defendant's full background reports and gain complete access.

1       22. Upon selecting a particular person to investigate from the search results, a  
2 whitepages.com user can access a free, limited preview of Defendant's paid, full background  
3 reports. Whitepages.com free, limited previews include searched individuals' cell phone  
4 number(s) and a plethora of other identifying information.<sup>16</sup>

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<sup>16</sup> Note, in this image of whitepages.com's free, limited preview, Plaintiff's counsel has redacted certain sensitive personal information (blue portions). Defendant, itself, also blurs certain information (pixelated portions) to entice users to purchase Defendant's full background reports and gain complete access.

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PEOPLE SEARCH PHONE ADDRESS

Log In Sign Up

People Search > Monitor

Get [REDACTED]'s Background Report

0 Criminal & Traffic 0 Public 3 Property 0 More

View Background Report

Get [REDACTED]'s Contact Info

Landlines (9) See 3 More >

Cell Phones (7) See 2 More >

Emails (@hotmail.com) See 2 More >

View [REDACTED]'s Contact Info

[REDACTED] is currently in their 50s. Relatives and family members of [REDACTED] include [REDACTED] in a single family. ...more

Phone Numbers for [REDACTED] 9

We found 9 verified phone numbers for [REDACTED]. Phone numbers include both cell phones and landlines.

Cell Phones (3)

✓ PRIMARY (7) [REDACTED] View Cell Phone Numbers

Landlines (4)

✓ PRIMARY (9) [REDACTED] View More Landlines

Other (2)

✓ PRIMARY (9) [REDACTED]

View Phone Numbers

Addresses for [REDACTED] 10

We found 10 home addresses for [REDACTED]. Address may include current or past addresses and owned properties.

✓ CURRENT [REDACTED]

1        23. Defendant also makes available paid, full background reports that do not redact or  
 2 blur searched individuals' sensitive personal information whatsoever – including cell phone  
 3 numbers. Instead, they offer a comprehensive view into said individuals' private details.<sup>17</sup>

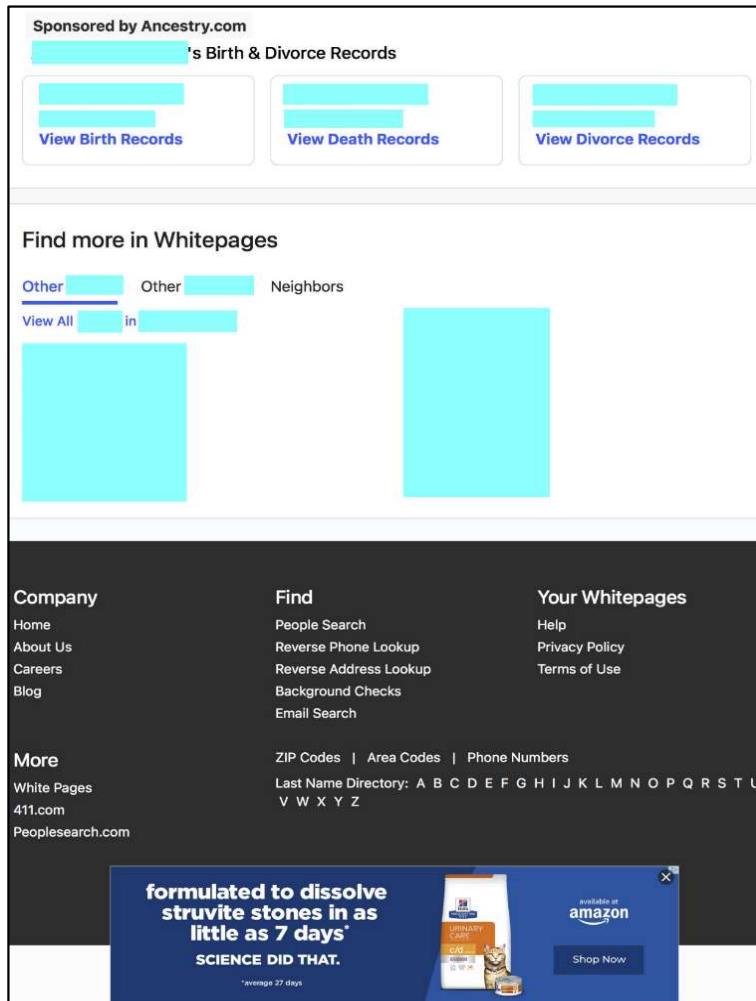
4 [REDACTED] AGE LOCATION  
 5 May also be known as [REDACTED]  
 6 Monitor [REDACTED]  
 7 Criminal records Some Legal Troubles Foreclosures Married  
 8 Phone Numbers 7 Addresses 6 Relatives & Associates 16 Criminal Records 4 Traffic Records 4 >  
 9 **Phone Numbers**  
 10 LANDLINES (4)  
 11 PRIMARY [REDACTED] [REDACTED] Show 2 More  
 12 [REDACTED] [REDACTED]  
 13 CELL PHONES (4)  
 14 PRIMARY [REDACTED] [REDACTED] Show 2 More  
 15 [REDACTED] [REDACTED]  
 16 OTHER (1)  
 17 [REDACTED]  
 18 **Addresses** - 1 NEW  
 19 Zackary has 1 current address and 5 previous addresses.  
 20 PRIMARY NEW OWNER PRIMARY RENTER  
 21 [REDACTED] [REDACTED] Map [REDACTED] Map  
 22 [REDACTED] [REDACTED]  
 23 Map [REDACTED] Map

24  
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 27 <sup>17</sup> Note, in this image of whitepages.com's paid, full background report, Plaintiff's counsel has redacted certain sensitive personal information (black portions).

1       24. As the above images of whitepages.com make clear, Defendant knowingly lists  
 2 Coloradans' cell phone numbers. On whitepages.com, Defendant states: "We found [] verified  
 3 phone numbers for [a particular person]. Phone numbers include both cell phones and landlines."  
 4 Defendant encourages users to "View Cell Phone Numbers[.]". And Defendant does, in fact,  
 5 provide phone numbers for what it correctly labels "Cell Phones."

6       25. The purpose behind listing individuals' personal information – including cell  
 7 phone numbers – on whitepages.com is twofold.

8       26. First, listing said information helps Defendant generate ad revenue. Defendant  
 9 advertises how pages are "Sponsored by Ancestry.com" (which, on information and belief, pays  
 10 Defendant for that distinction), and Defendant advertises other third-parties' products and  
 11 services (here, pet food being sold on Amazon).



1        27. Second, listing said information helps Defendant entice users to acquire access to  
 2 Defendant's paid, full background reports.

3        28. To acquire a full background report from Defendant, a whitepages.com user can  
 4 either (a) pay a one-time fee of \$11.99 for a single report or (b) pay a monthly subscription fee  
 5 ranging from \$5.99 per month to \$109.99 per month:<sup>18</sup>

whitepages<sup>®</sup>  
SEARCH. FIND. KNOW.

Get complete contact info & more with Premium

Every 3 seconds a Premium subscriber finds the exact info they need

Premium Contact Info	Premium Business	Premium Business Enterprise	Background Report
<b>\$5<sup>99</sup> /mo</b>	<b>\$9<sup>99</sup> /mo</b>	<b>\$109<sup>99</sup> /mo</b>	<b>\$11<sup>99</sup> /once</b>
Contact info, including all phones & addresses	Complete contact info, including all emails, phones & addresses <b>PLUS</b> time-saving tools	500 contact info lookups, including all emails, phones & addresses <b>PLUS</b> time-saving tools	Complete contact info <b>PLUS</b> property, criminal & public records
<b>Select</b>	<b>Select</b>	<b>Select</b>	<b>Select</b>
Cancel anytime.	Cancel anytime.	Cancel anytime.	No commitment
Includes:	All of <b>Premium Contact Info</b> , plus:	All of <b>Premium Business</b> , plus:	Includes:
<input checked="" type="checkbox"/> 20 Contact Info Lookups <input checked="" type="checkbox"/> Save & Export Contacts	<input checked="" type="checkbox"/> Email Addresses <small>NEW</small> ⓘ <input checked="" type="checkbox"/> Property Value Forecasts <small>NEW</small> ⓘ <input checked="" type="checkbox"/> Speed Search	<input checked="" type="checkbox"/> More Contact Info Lookups	<input checked="" type="checkbox"/> 1 Background Report ⓘ

19        29. Users can also access a 5-day trial membership for \$1:

whitepages<sup>®</sup> PREMIUM

**SPECIAL OFFER**

**5-day Trial Membership \$1**

Complete contact info  
 All phones, emails, addresses, and property info

27        <sup>18</sup> <https://www.whitepages.com/checkout/pricing>.

1       30. Thus, the listing of Plaintiff's and Class Members' cell phone numbers is for a  
 2 commercial purpose. Indeed, that is Defendant's entire business model. Defendant is literally  
 3 selling Plaintiff's and Class Members' cell phone numbers and accompanying information to its  
 4 customers and subscribers.

5 **B. Defendant's Conduct Harms Coloradans**

6       31. Consumer data is key to the \$26 billion-per-year online advertising industry in the  
 7 United States.<sup>19</sup> Clearly, and per the FTC, consumer data possesses inherent monetary value:

8       Most consumers cannot begin to comprehend the types and amount of information  
 9 collected by businesses, or why their information may be commercially valuable.  
 10 Data is currency. The larger the data set, the greater potential for analysis – and  
 11 profit.<sup>20</sup>

12       32. In fact, individuals' private information has become such a valuable commodity  
 13 that companies now offer individuals the opportunity to monetize their personal data.<sup>21</sup>

14       33. These companies' business models capitalize on a fundamental principle  
 15 underlying the modern information marketplace: Consumers recognize the economic value of  
 16 their private data. Along these lines, research shows that consumers are willing to pay a premium  
 17 to purchase services from companies that adhere to more stringent policies of protecting their  
 18 data.<sup>22</sup> A 2014 survey conducted by Harris Interactive on behalf of TRUSTe, Inc. showed that 89  
 19 percent of consumers avoid doing business with companies who they believe do not protect their  
 20

21<sup>19</sup> <http://online.wsj.com/article/SB10001424052748703529004576160764037920274.html>.

22<sup>20</sup> [https://www.ftc.gov/sites/default/files/documents/public\\_statements/remarks-ftc-exploring-privacy-roundtable/091207privacyroundtable.pdf](https://www.ftc.gov/sites/default/files/documents/public_statements/remarks-ftc-exploring-privacy-roundtable/091207privacyroundtable.pdf) at p. 2.

23<sup>21</sup> See, e.g., <https://www.washingtonpost.com/technology/2023/02/06/consumers-paid-money-data/>;  
<http://www.nytimes.com/2012/02/13/technology/start-ups-aim-to-help-users-put-a-price-on-their-personal-data.html>; <https://techcrunch.com/2023/08/16/caden-lands-15m-to-let-users-monetize-their-personal-data/>;  
<https://www.theverge.com/2019/6/11/18661595/facebook-study-app-monitor-phone-usage-pay>;  
<https://sifted.eu/articles/gener8>; <https://www.theverge.com/2012/2/8/2785751/google-screenwise-panel-web-monitoring-knowledge-networks>; <https://www.sidehustlenation.com/get-paid-for-your-data/>;  
<https://millennialmoneyman.com/get-paid-for-your-data/>.

24<sup>22</sup> See, e.g., <https://web.archive.org/web/20240420201259/https://www.enisa.europa.eu/publications/monetising-privacy/@/download/fullReport>; <https://citeseerx.ist.psu.edu/document?repid=rep1&type=pdf&doi=8b70320d110370c82ca9cbab768db58b74878234>.

1 privacy.<sup>23</sup> The same is true for 80 percent of smartphone users, who say that they avoid using  
 2 smartphone apps that they don't believe protect their privacy.<sup>24</sup>

3 34. Defendant's misappropriation of Coloradans' cell phone numbers undeniably  
 4 deprives state residents of the ability to enjoy their PTFA privacy rights. It also deprives them of  
 5 the real, quantifiable value of such data.

6 35. Further, “[p]eople search sites … offer a wealth of information that can be  
 7 exploited by malicious actors.”<sup>25</sup> For one, “[b]undling [personal data] all together and making it  
 8 so easily accessible can … put ordinary people at risk of … stalking and other forms of  
 9 harassment.”<sup>26</sup> Second, people search sites’ “comprehensive data allows cybercriminals to build  
 10 detailed profiles of potential victims, making it easier to craft convincing scams or carry out  
 11 identity theft.”<sup>27</sup> This “put[s] almost anyone within the reach of fraudulent telemarketers[]” and  
 12 other wrongdoers.<sup>28</sup>

13 36. Information disclosures like Defendant's are particularly dangerous to the elderly.  
 14 “Older Americans are perfect telemarketing customers, analysts say, because they are often at  
 15 home, rely on delivery services, and are lonely for the companionship that telephone callers  
 16 provide.”<sup>29</sup> The FTC notes that “[t]he elderly often are the deliberate targets of fraudulent  
 17 telemarketers who take advantage of the fact that many older people have cash reserves or other  
 18 assets to spend on seemingly attractive offers.”<sup>30</sup>

19 37. Making matters worse, “[o]nce marked as receptive to [a specific] type of spam, a  
 20 consumer often is bombarded with similar fraudulent offers from a host of scam artists.”<sup>31</sup>

21  
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 23 <sup>23</sup> See [https://web.archive.org/web/20190820142832/http://www.theagitator.net/wp-content/uploads/012714\\_ConsumerConfidenceReport\\_US1.pdf](https://web.archive.org/web/20190820142832/http://www.theagitator.net/wp-content/uploads/012714_ConsumerConfidenceReport_US1.pdf) at p. 3.

24 <sup>24</sup> *Id.*

25 <https://www.foxnews.com/tech/dangerous-intersection-people-search-sites-scams>.

26 [https://innovation.consumerreports.org/Data-Defense\\_-Evaluating-People-Search-Site-Removal-Services-.pdf](https://innovation.consumerreports.org/Data-Defense_-Evaluating-People-Search-Site-Removal-Services-.pdf).

27 <https://www.foxnews.com/tech/dangerous-intersection-people-search-sites-scams>.

28 <http://www.nytimes.com/2007/05/20/business/20tele.html>.

29 <sup>29</sup> *Id.*

30 [https://www.ftc.gov/sites/default/files/documents/public\\_statements/prepared-statement-federal-trade-commission-fraud-against-seniors/agingtestimony.pdf](https://www.ftc.gov/sites/default/files/documents/public_statements/prepared-statement-federal-trade-commission-fraud-against-seniors/agingtestimony.pdf) at p. 1.

31 <sup>31</sup> *Id.* at p. 3.

## V. CLASS ALLEGATIONS

38. Pursuant to CR 23, Plaintiff seeks to represent a class defined as all Colorado residents whose cell phone numbers were listed on whitepages.com (the “Class”).

39. Plaintiff reserves the right to modify the Class definition, including by using subclasses, as appropriate based on further investigation and discovery obtained in the case.

40. **Numerosity:** The Class is composed of at least thousands of individuals, the joinder of which in one action would be impracticable. The disposition of their claims through this class action will benefit both the parties and the Court.

41. **Existence and Predominance of Common Questions of Fact and Law:** There is a well-defined community of interest in the questions of law and fact involved affecting the members of the proposed Class. The questions of law and fact common to the proposed Class predominate over questions affecting only individual Class Members. Such questions include, but are not limited to, the following: whether Defendant violated Colo. Rev. Stat. § 6-1-304(4)(a)(I); and whether Plaintiff and Class Members are entitled to damages, reasonable attorneys' fees, pre-judgment interest and costs of this suit, pursuant to Colo. Rev. Stat. § 6-1-305(1)(c).

42. **Typicality:** The claims of the named Plaintiff are typical of the claims of the Class because Plaintiff, like all other Class Members, had his cell phone number listed on whitepages.com for a commercial purpose; Defendant did so without requesting or receiving Plaintiff's affirmative consent (through written, oral, or electronic means); and Defendant's misappropriation of Plaintiff's personal data (including the economic value thereof) came at the expense of Plaintiff's PTFA privacy rights.

43. **Adequacy:** Plaintiff is an adequate representative of the Class because his interests do not conflict with the interests of the Class he seeks to represent, he has retained competent counsel experienced in prosecuting class actions, and he intends to prosecute this action vigorously. The interests of the Class will be fairly and adequately protected by Plaintiff and his counsel.

44. **Superiority:** The class mechanism is superior to other available means for the fair

1 and efficient adjudication of the claims of Class. Each individual Class Member may lack the  
 2 resources to undergo the burden and expense of individual prosecution of the complex and  
 3 extensive litigation necessary to establish Defendant's liability. Individualized litigation increases  
 4 the delay and expense to all parties and multiplies the burden on the judicial system presented by  
 5 the complex legal and factual issues of this case. Individualized litigation also presents a potential  
 6 for inconsistent or contradictory judgments. In contrast, the class action device presents far fewer  
 7 management difficulties and provides the benefits of single adjudication, economy of scale, and  
 8 comprehensive supervision by a single court on the issue of Defendant's liability. Class treatment  
 9 of the liability issues will ensure that all claims and claimants are before this Court for consistent  
 10 adjudication of the liability issues. Finally, Defendant has acted or refused to act on grounds  
 11 generally applicable to the entire Class, thereby making it appropriate for this Court to grant final  
 12 injunctive relief and declaratory relief with respect to the Class as a whole.

13 **VI. CAUSE OF ACTION**

14 **COUNT I**

15 **VIOLATION OF THE PREVENTION OF TELEMARKETING FRAUD ACT,  
 COLO. REV. STAT. § 6-1-304(4)(I)**

17 45. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

18 46. Plaintiff brings this claim individually and on behalf of the members of the  
 19 proposed Class against Defendant.

20 47. Colo. Rev. Stat. § 6-1-304(4) provides:

21 (a) On or after September 1, 2005, a person commits an unlawful telemarketing  
 22 practice if the person knowingly: (I) Lists a cellular telephone number in a directory  
 23 for a commercial purpose unless the person whose number has been listed has given  
 affirmative consent, through written, oral, or electronic means, to such listing[.]

24 48. Defendant failed to comply with this PTFA mandate.

25 49. Defendant knowingly lists Coloradans' cell phone numbers. On whitepages.com,  
 26 Defendant states: "We found [] verified phone numbers for [a particular person]. Phone numbers  
 27 include both cell phones and landlines." Defendant encourages users to "View Cell Phone

1 Numbers[.]” And Defendant indeed provides phone numbers for what it correctly labels “Cell  
 2 Phones.”

3 50. Defendant’s website, whitepages.com, is a directory – i.e., an “electronic resource  
 4 containing lists of information, usually in alphabetical order, for example people’s phone numbers  
 5 or the names and addresses of businesses in a particular area[.]”<sup>32</sup> Defendant admits as much,  
 6 referring to whitepages.com as a “directory service”;<sup>33</sup> advertising that it offers “the most accurate  
 7 online directory of contact information”;<sup>34</sup> and titling pages with the word “directory.”<sup>35</sup>

8 51. Defendant engages in this conduct for a commercial purpose. The purpose behind  
 9 listing individuals’ personal information – including cell phone numbers – on whitepages.com is  
 10 to generate ad revenue and entice users to acquire access to Defendant’s paid, full background  
 11 reports.

12 52. Defendant never requests nor receives Coloradans’ “affirmative consent, through  
 13 written, oral, or electronic means, to such listing[.]” Colo. Rev. Stat. § 6-1-304(4)(a)(I). Rather,  
 14 Defendant lists the cell phone numbers of Coloradans it has never engaged with, has had no  
 15 connection to, and who are unaware of its existence.

16 53. Defendant’s misappropriation of Class Members’ personal data (including the  
 17 economic value thereof) came at the expense of Class Members’ PTFA privacy rights. It deprived  
 18 Class Members of the real, quantifiable value of such data. And it exposed Class Members to  
 19 elevated risks of stalking, harassment, scams, identity theft, and unwanted telemarketing.

20 54. Thus, on behalf of himself and the Class, Plaintiff seeks: (1) declaratory relief; (2)  
 21 injunctive and equitable relief as is necessary to protect the interests of Plaintiff and the Class; (3)

22  
 23 <sup>32</sup> *Directory*, Oxford Learner’s Dictionary, <https://oxfordlearnersdictionaries.com/us/definition/english/directory>.  
 24 See also *Directory*, Merriam-Webster Online Dictionary, <https://www.merriam-webster.com/dictionary/directory>  
 25 (“an alphabetical or classified list (as of names and addresses)[.]”); *Directory*, Cambridge Essential American English  
 26 Dictionary, <https://dictionary.cambridge.org/us/dictionary/essential-american-english/directory> (“a book or list of  
 27 names and numbers”); *Directory*, AllWords.com Multi-Lingual Dictionary, <https://www.allwords.com/word-directory.html> (“A list of names, address etc., of specific classes of people or organizations, often in alphabetical  
 order or in some classification.”).

<sup>33</sup> <https://www.whitepages.com/privacy>.

<sup>34</sup> <https://www.whitepages.com/reverse-phone>.

<sup>35</sup> See, e.g., <https://www.whitepages.com/white-pages/denver-co>; <https://www.whitepages.com/directory/name>.

1 damages, pursuant to Colo. Rev. Stat. § 6-1-305(1)(c), of at least three hundred dollars and not  
 2 more than five hundred dollars for each first offense, and at least five hundred dollars and not  
 3 more than one thousand dollars for each second or subsequent offense; and (4) reasonable  
 4 attorneys' fees and other litigation costs pursuant to Colo. Rev. Stat. § 6-1-305(1)(c).

5 **VII. PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiff on behalf of himself and the proposed Class, respectfully  
 7 requests that this Court enter an Order:

8 55. Certifying this case as a class action on behalf of the Class defined above,  
 9 appointing Plaintiff as the representative of the Class, and appointing Plaintiff's counsel as Class  
 10 Counsel;

11 56. Declaring that Defendant's actions, as set out above, violate Colo. Rev. Stat. § 6-  
 12 1-304(4)(a)(I) (Colorado's "Prevention of Telemarketing Fraud Act" or "PTFA");

13 57. Awarding damages, pursuant to Colo. Rev. Stat. § 6-1-305(1)(c), of at least three  
 14 hundred dollars and not more than five hundred dollars for each first offense, and at least five  
 15 hundred dollars and not more than one thousand dollars for each second or subsequent offense;

16 58. Awarding injunctive and other equitable relief as is necessary to protect the  
 17 interests of the Class, including, *inter alia*, an Order requiring Defendant to comply with the  
 18 PTFA;

19 59. Awarding Plaintiff and the Class their reasonable attorneys' fees and other  
 20 litigation costs pursuant to Colo. Rev. Stat. § 6-1-305(1)(c);

21 60. Awarding Plaintiff and the Class pre- and post-judgment interest, to the extent  
 22 allowable; and

23 61. Awarding such other and further relief as equity and justice may require.

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1 Dated: April 10, 2025

Respectfully submitted,

2 **EMERY REDDY PLLC**

3 By: /s/ Timothy W. Emery

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Email: reddyp@emeryreddy.com  
Email: paul@emeryreddy.com

10 **BURSOR & FISHER, P.A.**

11 Joseph I. Marchese (*pro hac vice* forthcoming)  
12 Matthew A. Girardi (*pro hac vice* forthcoming)  
13 1330 Avenue of the Americas, 32<sup>nd</sup> Floor  
14 New York, NY  
15 Telephone: (646) 837-7127  
Facsimile: (212) 989-9163  
Email: ykopal@bursor.com  
Email: mgirardi@bursor.com

16 *Attorneys for Plaintiff*

FILED

2025 APR 10 02:18 PM  
KING COUNTY  
SUPERIOR COURT CLERK  
E-FILED  
CASE #: 25-2-11215-2 SEA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING

CLARK

No. 25-2-11215-2 SEA

VS.

ORDER SETTING CIVIL CASE SCHEDULE

WHITEPAGES, INC.

ASSIGNED JUDGE: Sean O'Donnell, Dept. 29

FILED DATE: 04/10/2025

TRIAL DATE: 04/13/2026

A civil case has been filed in the King County Superior Court and will be managed by the Case Schedule on Page 3 as ordered by the King County Superior Court Presiding Judge.

I. NOTICES

**NOTICE TO PLAINTIFF:**

The Plaintiff may serve a copy of this **Order Setting Case Schedule (Schedule)** on the Defendant(s) along with the **Summons and Complaint/Petition**. Otherwise, the Plaintiff shall serve the **Schedule** on the Defendant(s) within 10 days after the later of: (1) the filing of the **Summons and Complaint/Petition** or (2) service of the Defendant's first response to the **Complaint/Petition**, whether that response is a **Notice of Appearance**, a response, or a Civil Rule 12 (CR 12) motion. The **Schedule** may be served by regular mail, with proof of mailing to be filed promptly in the form required by Civil Rule 5 (CR 5).

**NOTICE TO ALL PARTIES:**

All attorneys and parties should make themselves familiar with the King County Local Rules [KCLCR] -- especially those referred to in this **Schedule**. In order to comply with the **Schedule**, it will be necessary for attorneys and parties to pursue their cases vigorously from the day the case is filed. For example, discovery must be undertaken promptly in order to comply with the deadlines for joining additional parties, claims, and defenses, for disclosing possible witnesses [See KCLCR 26], and for meeting the discovery cutoff date [See KCLCR 37(g)].

**You are required to give a copy of these documents to all parties in this case.**

## I. NOTICES (continued)

### **CROSSCLAIMS, COUNTERCLAIMS AND THIRD-PARTY COMPLAINTS:**

A filing fee of \$240 must be paid when any answer that includes additional claims is filed in an existing case.

### **KCLCR 4.2(a)(2)**

A Confirmation of Joinder, Claims and Defenses or a Statement of Arbitrability must be filed by the deadline in the schedule. The court will review the confirmation of joinder document to determine if a hearing is required. If a Show Cause order is issued, all parties cited in the order must appear before their Chief Civil Judge.

### **PENDING DUE DATES CANCELED BY FILING PAPERS THAT RESOLVE THE CASE:**

When a final decree, judgment, or order of dismissal of all parties and claims is filed with the Superior Court Clerk's Office, and a courtesy copy delivered to the assigned judge, all pending due dates in this *Schedule* are automatically canceled, including the scheduled Trial Date. It is the responsibility of the parties to 1) file such dispositive documents within 45 days of the resolution of the case, and 2) strike any pending motions by notifying the bailiff to the assigned judge.

Parties may also authorize the Superior Court to strike all pending due dates and the Trial Date by filing a *Notice of Settlement* pursuant to KCLCR 41, and forwarding a courtesy copy to the assigned judge. If a final decree, judgment or order of dismissal of all parties and claims is not filed by 45 days after a *Notice of Settlement*, the case may be dismissed with notice.

**If you miss your scheduled Trial Date**, the Superior Court Clerk is authorized by KCLCR 41(b)(2)(A) to present an *Order of Dismissal*, without notice, for failure to appear at the scheduled Trial Date.

### **NOTICES OF APPEARANCE OR WITHDRAWAL AND ADDRESS CHANGES:**

*All parties to this action must keep the court informed of their addresses.* When a Notice of Appearance/Withdrawal or Notice of Change of Address is filed with the Superior Court Clerk's Office, parties must provide the assigned judge with a courtesy copy.

### **ARBITRATION FILING AND TRIAL DE NOVO POST ARBITRATION FEE:**

A Statement of Arbitrability must be filed by the deadline on the schedule **if the case is subject to mandatory arbitration** and service of the original complaint and all answers to claims, counterclaims and crossclaims have been filed. If mandatory arbitration is required after the deadline, parties must obtain an order from the assigned judge transferring the case to arbitration. **Any party filing a Statement must pay a \$250 arbitration fee.** If a party seeks a trial de novo when an arbitration award is appealed, a fee of \$400 and the request for trial de novo must be filed with the Clerk's Office Cashiers.

### **NOTICE OF NON-COMPLIANCE FEES:**

All parties will be assessed a fee authorized by King County Code 4A.630.020 whenever the Superior Court Clerk must send notice of non-compliance of schedule requirements and/or Local Civil Rule 41.

**King County Local Rules are available for viewing at [www.kingcounty.gov/courts/clerk](http://www.kingcounty.gov/courts/clerk).**

## II. CASE SCHEDULE

* CASE EVENT	EVENT DATE
Case Filed and Schedule Issued.	04/10/2025
* Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing [See KCLMAR 2.1(a) and Notices on Page 2]. <b>\$250 arbitration fee must be paid</b>	09/18/2025
* DEADLINE to file Confirmation of Joinder if not subject to Arbitration [See KCLCR 4.2(a) and Notices on Page 2].	09/18/2025
DEADLINE for Hearing Motions to Change Case Assignment Area [KCLCR 82(e)].	10/02/2025
DEADLINE for Disclosure of Possible Primary Witnesses [See KCLCR 26(k)].	11/10/2025
DEADLINE for Disclosure of Possible Additional Witnesses [See KCLCR 26(k)].	12/22/2025
DEADLINE for Jury Demand [See KCLCR 38(b)(2)].	01/05/2026
DEADLINE for a Change in Trial Date [See KCLCR 40(e)(2)].	01/05/2026
DEADLINE for Discovery Cutoff [See KCLCR 37(g)].	02/23/2026
DEADLINE for Engaging in Alternative Dispute Resolution [See KCLCR 16(b)].	03/16/2026
DEADLINE: Exchange Witness & Exhibit Lists & Documentary Exhibits [KCLCR 4(j)].	03/23/2026
* DEADLINE to file Joint Confirmation of Trial Readiness [See KCLCR 16(a)(1)].	03/23/2026
DEADLINE for Hearing Dispositive Pretrial Motions [See KCLCR 56; CR 56].	03/30/2026
* Joint Statement of Evidence [See KCLCR 4 (k)]	04/06/2026
DEADLINE for filing Trial Briefs, Proposed Findings of Fact and Conclusions of Law and Jury Instructions (Do not file proposed Findings of Fact and Conclusions of Law with the Clerk)	04/06/2026
Trial Date [See KCLCR 40].	04/13/2026

The \* indicates a document that must be filed with the Superior Court Clerk's Office by the date shown.

## III. ORDER

Pursuant to King County Local Rule 4 [KCLCR 4], IT IS ORDERED that the parties shall comply with the schedule listed above. Penalties, including but not limited to sanctions set forth in Local Rule 4(g) and Rule 37 of the Superior Court Civil Rules, may be imposed for non-compliance. It is FURTHER ORDERED that the party filing this action must serve this Order Setting Civil Case Schedule and attachment on all other parties.

DATED: 04/10/2025



\_\_\_\_\_  
PRESIDING JUDGE

#### **IV. ORDER ON CIVIL PROCEEDINGS FOR ASSIGNMENT TO JUDGE**

##### **READ THIS ORDER BEFORE CONTACTING YOUR ASSIGNED JUDGE.**

This case is assigned to the Superior Court Judge whose name appears in the caption of this case schedule. The assigned Superior Court Judge will preside over and manage this case for all pretrial matters.

**COMPLEX LITIGATION:** If you anticipate an unusually complex or lengthy trial, please notify the assigned court as soon as possible.

**APPLICABLE RULES:** Except as specifically modified below, all the provisions of King County Local Civil Rules 4 through 26 shall apply to the processing of civil cases before Superior Court Judges. The local civil rules can be found at [www.kingcounty.gov/courts/clerk/rules/Civil](http://www.kingcounty.gov/courts/clerk/rules/Civil).

**CASE SCHEDULE AND REQUIREMENTS:** Deadlines are set by the case schedule, issued pursuant to Local Civil Rule 4.

**THE PARTIES ARE RESPONSIBLE FOR KNOWING AND COMPLYING WITH ALL DEADLINES IMPOSED BY THE COURT'S LOCAL CIVIL RULES.**

##### **A. Joint Confirmation regarding Trial Readiness Report**

No later than twenty one (21) days before the trial date, parties shall complete and file (with a copy to the assigned judge) a joint confirmation report setting forth whether a jury demand has been filed, the expected duration of the trial, whether a settlement conference has been held, and special problems and needs (e.g., interpreters, equipment).

The Joint Confirmation Regarding Trial Readiness form is available at [www.kingcounty.gov/courts/scforms](http://www.kingcounty.gov/courts/scforms). If parties wish to request a CR 16 conference, they must contact the assigned court. Plaintiff's/petitioner's counsel is responsible for contacting the other parties regarding the report.

##### **B. Settlement/Mediation/ADR**

a. Forty five (45) days before the trial date, counsel for plaintiff/petitioner shall submit a written settlement demand. Ten (10) days after receiving plaintiff's/petitioner's written demand, counsel for defendant/respondent shall respond (with a counter offer, if appropriate).

b. Twenty eight (28) days before the trial date, a Settlement/Mediation/ADR conference shall have been held. FAILURE TO COMPLY WITH THIS SETTLEMENT CONFERENCE REQUIREMENT MAY RESULT IN SANCTIONS.

##### **C. Trial**

Trial is scheduled for 9:00 a.m. on the date on the case schedule or as soon thereafter as convened by the court. The Friday before trial, the parties should access the court's civil standby calendar on the King County Superior Court website [www.kingcounty.gov/courts/superiorcourt](http://www.kingcounty.gov/courts/superiorcourt) to confirm the trial judge assignment.

#### **MOTIONS PROCEDURES**

##### **A. Noting of Motions**

**Dispositive Motions:** All summary judgment or other dispositive motions will be heard with oral argument before the assigned judge. The moving party must arrange with the hearing judge a date and time for the hearing, consistent with the court rules. Local Civil Rule 7 and Local Civil Rule 56 govern procedures for summary judgment or other motions that dispose of the case in whole or in part. The local civil rules can be found at [www.kingcounty.gov/courts/clerk/rules/Civil](http://www.kingcounty.gov/courts/clerk/rules/Civil).

**Non-dispositive Motions:** These motions, which include discovery motions, will be ruled on by the assigned judge without oral argument, unless otherwise ordered. All such motions must be noted for a date by which the ruling is requested; this date must likewise conform to the applicable notice requirements.

Rather than noting a time of day, the Note for Motion should state "Without Oral Argument." Local Civil Rule 7 governs these motions, which include discovery motions. The local civil rules can be found at [www.kingcounty.gov/courts/clerk/rules/Civil](http://www.kingcounty.gov/courts/clerk/rules/Civil).

**Motions in Family Law Cases not involving children:** Discovery motions to compel, motions in limine, motions relating to trial dates and motions to vacate judgments/dismissals shall be brought before the assigned judge. All other motions should be noted and heard on the Family Law Motions calendar. Local Civil Rule 7 and King County Family Law Local Rules govern these procedures. The local rules can be found at [www.kingcounty.gov/courts/clerk/rules](http://www.kingcounty.gov/courts/clerk/rules).

**Emergency Motions:** Under the court's local civil rules, emergency motions will usually be allowed only upon entry of an Order Shortening Time. However, some emergency motions may be brought in the Ex Parte and Probate Department as expressly authorized by local rule. In addition, discovery disputes may be addressed by telephone call and without written motion, if the judge approves in advance.

**B. Original Documents/Working Copies/ Filing of Documents:** All original documents must be filed with the Clerk's Office. Please see information on the Clerk's Office website at [www.kingcounty.gov/courts/clerk](http://www.kingcounty.gov/courts/clerk) regarding the requirement outlined in LGR 30 that attorneys must e-file documents in King County Superior Court. The exceptions to the e-filing requirement are also available on the Clerk's Office website. The local rules can be found at [www.kingcounty.gov/courts/clerk/rules](http://www.kingcounty.gov/courts/clerk/rules).

The working copies of all documents in support or opposition must be marked on the upper right corner of the first page with the date of consideration or hearing and the name of the assigned judge. The assigned judge's working copies must be delivered to his/her courtroom or the Judges' mailroom. Working copies of motions to be heard on the Family Law Motions Calendar should be filed with the Family Law Motions Coordinator. Working copies can be submitted through the Clerk's office E-Filing application at [www.kingcounty.gov/courts/clerk/documents/eWC](http://www.kingcounty.gov/courts/clerk/documents/eWC).

**Service of documents:** Pursuant to Local General Rule 30(b)(4)(B), e-filed documents shall be electronically served through the e-Service feature within the Clerk's eFiling application. Pre-registration to accept e-service is required. E-Service generates a record of service document that can be e-filed. Please see the Clerk's office website at [www.kingcounty.gov/courts/clerk/documents/efiling](http://www.kingcounty.gov/courts/clerk/documents/efiling) regarding E-Service.

**Original Proposed Order:** Each of the parties must include an original proposed order granting requested relief with the working copy materials submitted on any motion. **Do not file the original of the proposed order with the Clerk of the Court.** Should any party desire a copy of the order as signed and filed by the judge, a pre-addressed, stamped envelope shall accompany the proposed order. The court may distribute orders electronically. Review the judge's website for information: [www.kingcounty.gov/courts/SuperiorCourt/judges](http://www.kingcounty.gov/courts/SuperiorCourt/judges).

**Presentation of Orders for Signature:** All orders must be presented to the assigned judge or to the Ex Parte and Probate Department, in accordance with Local Civil Rules 40 and 40.1. Such orders, if presented to the Ex Parte and Probate Department, shall be submitted through the E-Filing/Ex Parte via the Clerk application by the attorney(s) of record. E-filing is not required for self-represented parties (non-attorneys). If the assigned judge is absent, contact the assigned court for further instructions. If another judge enters an order on the case, counsel is responsible for providing the assigned judge with a copy.

**Proposed orders finalizing settlement and/or dismissal by agreement of all parties shall be presented to the Ex Parte and Probate Department.** Such orders shall be submitted through the E-Filing/Ex Parte via the Clerk application by the attorney(s) of record. E-filing is not required for self-represented parties (non-attorneys). Formal proof in Family Law cases must be scheduled before the assigned judge by contacting the bailiff, or formal proof may be entered in the Ex Parte Department. **If final order and/or formal proof are entered in the Ex Parte and Probate Department, counsel is responsible for providing the assigned judge with a copy.**

### C. Form

Pursuant to Local Civil Rule 7(b)(5)(B), the initial motion and opposing memorandum shall not exceed 4,200 words and reply memoranda shall not exceed 1,750 words without authorization of the court. The word count includes all portions of the document, including headings and footnotes, except 1) the caption; 2) table of contents and/or authorities, if any; and 3) the signature block. Over-length memoranda/briefs and motions supported by such memoranda/briefs may be stricken.

***IT IS SO ORDERED. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY RESULT IN DISMISSAL OR OTHER SANCTIONS. PLAINTIFF/PEITITONER SHALL FORWARD A COPY OF THIS ORDER AS SOON AS PRACTICABLE TO ANY PARTY WHO HAS NOT RECEIVED THIS ORDER.***



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PRESIDING JUDGE

**FILED**

2025 APR 10 02:18 PM  
KING COUNTY  
SUPERIOR COURT CLERK  
E-FILED  
CASE #: 25-2-11215-2 SEA

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING**

CLARK	No. 25-2-11215-2 SEA
VS	<b>CASE INFORMATION COVER SHEET AND AREA DESIGNATION</b>
WHITEPAGES, INC.	(CICS)

**CAUSE OF ACTION**

TTO - Tort /Other

**AREA OF DESIGNATION**

SEA      Defined as all King County north of Interstate 90 and including all of Interstate 90 right of way, all of the cities of Seattle, Mercer Island, Issaquah, and North Bend, and all of Vashon and Maury Islands.

**FILED**

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KING COUNTY  
SUPERIOR COURT CLERK  
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CASE #: 25-2-11215-2 SEA

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1 FILED  
2 2025 APR 10 02:18 PM  
3 KING COUNTY  
4 SUPERIOR COURT CLERK  
5 E-FILED  
6 CASE #: 25-2-11215-2 SEA

7  
8 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
9 IN AND FOR THE COUNTY OF KING

10 ROBERT CLARK, individually and on behalf  
11 of all others similarly situated,

12 Plaintiff,

No.

13 SUMMONS (20 DAYS)

14 v.

15 WHITEPAGES, INC, a Delaware corporation,

16 Defendant.

17 TO: WHITEPAGES, INC.

18 A lawsuit has been started against you in the above entitled court by the above-captioned  
19 plaintiff. Plaintiff's claims are stated in the written complaint, a copy of which is served upon  
you with this summons.

20 In order to defend against this lawsuit, you must respond by stating your defense in  
21 writing, and serve a copy upon the person signing this summons within 20 days after the service  
22 of this summons, excluding the day of service, or a default judgment may be entered against you  
23 without notice. A default judgment is one where the plaintiff is entitled to what he asks for  
24 because you have not responded. If you serve a notice of appearance on the undersigned person,  
25 you are entitled to notice before a default judgment may be entered.

26 You may demand that the plaintiff file this lawsuit with the court. If you do so, the  
demand must be in writing and must be served upon the person signing this summons. Within

SUMMONS (20 DAYS) - 1

EMERY | REDDY, PLLC  
600 Stewart Street, Suite 1100  
Seattle, WA 98101  
PHONE: (206) 442-9106 • FAX: (206) 441-9711

1 14 days after you serve the demand, the plaintiff must file this lawsuit with the court, or the  
2 service on you of this summons and complaint will be void.

3 If you wish to seek the advice of an attorney in this matter, you should do so promptly so  
4 that your written response, if any, may be served on time.

5 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of The State  
6 of Washington.

7 Dated: April 10, 2025

Respectfully submitted,

8 **EMERY REDDY PLLC**

9 By: /s/ Timothy W. Emery

10 Timothy W. Emery, WSBA No. 34078  
11 Patrick B. Reddy, WSBA No. 34092  
12 Paul Cipriani, WSBA No. 59991  
13 600 Stewart St., Suite 1100  
14 Seattle, WA 98101  
15 Telephone: (206) 442-9106  
Facsimile: (206) 441-9711  
Email: emeryt@emeryreddy.com  
Email: reddyp@emeryreddy.com  
Email: paul@emeryreddy.com

16 **BURSOR & FISHER, P.A.**

17 Joseph I. Marchese (*pro hac vice* forthcoming)  
18 Matthew A. Girardi (*pro hac vice* forthcoming)  
1330 Avenue of the Americas, 32<sup>nd</sup> Floor  
19 New York, NY  
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Email: ykopel@bursor.com  
Email: mgirardi@bursor.com

20  
21  
22 *Attorneys for Plaintiff*

FILED  
2025 APR 17  
KING COUNTY  
SUPERIOR COURT CLERK

CASE #: 25-2-11215-2 SEA

SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF KING

ROBERT CLARK, individually and on behalf of all  
others similarly situated,

Plaintiff(s),

Vs.

WHITEPAGES, INC, a Delaware corporation,

Defendant(s).

NO. 25-2-11215-2 SEA

DECLARATION OF SERVICE OF: SUMMONS (20  
DAYS); CLASS ACTION COMPLAINT; CASE  
INFORMATION COVER SHEET AND AREA  
DESIGNATION; ORDER SETTING CIVIL CASE  
SCHEDULE.

STATE OF WASHINGTON  
COUNTY OF KING

That I am now, and at all times herein mentioned, was a citizen of the United States and a resident of the State of Washington, over the age of 18 years, not a party to or interested in the above entitled action, and am competent to be a witness therein.

That at 11:02 A.M. on April 14<sup>th</sup>, 2025, at 711 Capitol Way South, Suite 204, Olympia, Washington, I duly served the above-described documents in the above-described matter upon Whitepages, Inc, by then and there personally delivering a true and correct copy thereof by leaving the same with Jeff Miner, Intake Specialist for CT Corporation System, its Registered Agent, who is authorized to receive service.

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Process Fee: 12.00  
Prep: 10.00  
Travel: 90.00  
Bad Address:  
SSA:  
Wait:  
Special Fee:  
Declaration Fee: 12.00

TOTAL \$124.00

Signed at Seattle, Washington, on 4/15/25

  
RICHARD KOHNENBERGER KING CO. # 0203336

1 FILED  
2 2025 APR 10 02:18 PM  
3 KING COUNTY  
4 SUPERIOR COURT CLERK  
E-FILED  
5 CASE #: 25-2-11215-2 SEA

6 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
7 IN AND FOR THE COUNTY OF KING

8 ROBERT CLARK, individually and on behalf  
of all others similarly situated,

9 Plaintiff,

No.

10 SUMMONS (20 DAYS)

11 v.

12 WHITEPAGES, INC, a Delaware corporation,

13 Defendant.

14  
15 TO: WHITEPAGES, INC.

16  
17 A lawsuit has been started against you in the above entitled court by the above-captioned  
18 plaintiff. Plaintiff's claims are stated in the written complaint, a copy of which is served upon  
19 you with this summons.

20 In order to defend against this lawsuit, you must respond by stating your defense in  
21 writing, and serve a copy upon the person signing this summons within 20 days after the service  
22 of this summons, excluding the day of service, or a default judgment may be entered against you  
23 without notice. A default judgment is one where the plaintiff is entitled to what he asks for  
24 because you have not responded. If you serve a notice of appearance on the undersigned person,  
25 you are entitled to notice before a default judgment may be entered.

26 You may demand that the plaintiff file this lawsuit with the court. If you do so, the  
demand must be in writing and must be served upon the person signing this summons. Within

SUMMONS (20 DAYS) - 1

EMERY | REDDY, PLLC  
600 Stewart Street, Suite 1100  
Seattle, WA 98101  
PHONE: (206) 442-9106 • FAX: (206) 441-9711

1 THE HONORABLE SEAN P. O'DONNELL  
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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

ROBERT CLARK, individually and on  
behalf of all others similarly situated,

Plaintiff

v.

WHITEPAGES, INC, a Delaware  
corporation,

Defendant.

CASE NO. 25-2-11215-2 SEA

**DEFENDANT WHITEPAGES, INC'S  
NOTICE OF FILING OF NOTICE OF  
REMOVAL OF CIVIL ACTION TO  
UNITED STATES DISTRICT COURT**

**[CLERK'S ACTION REQUIRED]**

**TO: THE CLERK OF THIS COURT;**

**AND TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE THAT** defendant Whitepages, Inc. (“Whitepages”) filed a Notice of Removal of this action in the United States District Court for the Western District of Washington, Seattle Division, on May 2, 2025.

A true and correct copy of that Notice of Removal and the related documents filed in the United States District Court for the Western District of Washington is attached hereto as **Exhibit 1**.

1. All parties have been given notice of the removal.

**PLEASE TAKE FURTHER NOTICE THAT**, pursuant to 28 U.S.C. § 1446(d), the filing of the Notice of Removal in the United States District Court for the Western District of Washington, Seattle Division, together with the filing of a copy of the notice in this Court, “shall effect the removal” of this action and divests this Court of jurisdiction, and this Honorable Court “shall proceed no further unless and until the case is remanded.”

RESPECTFULLY SUBMITTED this May 2, 2025.

**GOLDFARB & HUCK ROTH RIOJAS, PLLC**

/s/ Kimberlee L. Gunning  
Kimberlee L. Gunning, WSBA No. 35366  
R. Omar Riojas, WSBA No. 35400  
925 Fourth Avenue, Suite 3950  
Seattle, WA 98104  
Telephone: 206.452.0260  
Email: [gunning@goldfarb-huck.com](mailto:gunning@goldfarb-huck.com)  
[riojas@goldfarb-huck.com](mailto:riojas@goldfarb-huck.com)

*Attorneys for Defendant Whitepages, Inc.*

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing document was served as stated below:

<p>Timothy W. Emery  Patrick B. Reddy  Paul Cipriani  Emery Reddy PLLC  600 Stewart St., Suite 1100  Seattle, WA 98101  Telephone: (206) 442-9106  Facsimile: (206) 441-9711  Email: <a href="mailto:emeryt@emeryreddy.com">emeryt@emeryreddy.com</a>  <a href="mailto:reddyp@emeryreddy.com">reddyp@emeryreddy.com</a>  <a href="mailto:paul@emeryreddy.com">paul@emeryreddy.com</a></p> <p>Attorneys for Plaintiff</p>	<input checked="" type="checkbox"/> via ecf/email <input type="checkbox"/> via legal messenger <input type="checkbox"/> via US Mail <input type="checkbox"/> via fax
<p>Joseph I. Marchese (<i>pro hac vice</i> forthcoming)  Matthew A. Girardi (<i>pro hac vice</i> forthcoming)  Bursor &amp; Fisher, P.A.  1330 Avenue of the Americas, 32<sup>nd</sup> Floor  New York, NY  Telephone: (646) 837-7127  Facsimile: (212) 989-9163  Email: <a href="mailto:ykopol@bursor.com">ykopol@bursor.com</a>  <a href="mailto:mgirardi@bursor.com">mgirardi@bursor.com</a></p> <p>Attorneys for Plaintiff</p>	<input checked="" type="checkbox"/> via ecf/email <input type="checkbox"/> via legal messenger <input type="checkbox"/> via US Mail <input type="checkbox"/> via fax

DATED this May 2, 2025.

/s/ Marco Sanchez  
Marco Sanchez

# **EXHIBIT 1**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ROBERT CLARK, individually and on  
behalf of all others similarly situated,

Plaintiff

V.

WHITEPAGES, INC, a Delaware corporation,

Defendant.

CASE NO.

## NOTICE OF REMOVAL

NOTICE OF REMOVAL - 1  
CASE NO.:

**GOLDFARB & HUCK  
ROTH RIOJAS, PLLC**  
925 Fourth Avenue, Suite 3950  
Seattle, Washington 98104  
(206) 452-0260

1           **TO:           THE CLERK OF THE COURT;**  
 2           **AND TO:       ALL PARTIES AND THEIR COUNSEL OF RECORD.**

3           **PLEASE TAKE NOTICE** that, for the reasons set forth below, defendant Whitepages,  
 4 Inc. (“Whitepages”), removes this civil action, *Robert Clark v. Whitepages, Inc.*, Case No. 25-2-  
 5 11215-2, from the Superior Court of the State of Washington in and for King County (the “State  
 6 Court Action”) to the United States District Court for the Western District of Washington pursuant  
 7 to 28 U.S.C. §§ 1332, 1441, and 1446, and LCR 101. In support of removal, Whitepages states as  
 8 follows:

9           **I.           INTRODUCTION**

10           On April 10, 2025, plaintiff Robert Clark, on behalf of himself and purportedly all others  
 11 similarly situated, commenced the State Court Action against Whitepages. A copy of Plaintiff’s  
 12 Complaint in the State Court Action is attached as **Exhibit A** to this Notice of Removal (the  
 13 “Complaint”). Plaintiff purports to bring claims on behalf of a putative Colorado class for  
 14 Whitepages’ alleged violation of Colorado’s Prevention of Telemarketing Fraud Act (“PTFA”),  
 15 Colo. Rev. Stat. § 6-1-304, *et seq.*, claiming that Whitepages improperly listed cellular telephone  
 16 numbers of Colorado residents without consent. Ex. A at ¶ 6.

17           This Notice of Removal is based primarily on the allegations in the Complaint but does not  
 18 admit the truth of those allegations, the validity of Plaintiff’s claims, or entitlement to any form of  
 19 relief. Rather, Whitepages expressly denies that Plaintiff and the putative class are entitled to any  
 20 relief, and Whitepages reserves all rights.

21           **II.           LEGAL STANDARD**

22            “[A] defendant’s notice of removal need include only a plausible allegation that the amount  
 23 in controversy exceeds the jurisdictional threshold.” *Dart Cherokee Basin Operating Co., LLC v.*  
 24 *Owens*, 574 U.S. 81, 89 (2014); *see also Jauregui v. Roadrunner Transp. Servs., Inc.*, 28 F.4th  
 25 989, 992-96 (9th Cir. 2022) (reversing remand, finding that no antiremoval presumption exists in  
 26 Class Action Fairness Act (“CAFA”) cases, and holding that district court erred in its assessment

1 of CAFA amount in controversy). “Congress, by borrowing the familiar ‘short and plain  
 2 statement’ standard from Rule 8(a), intended to ‘simplify the pleading requirements for removal’  
 3 and to clarify that courts should ‘apply the same liberal rules [to removal allegations] that are  
 4 applied to other matters of pleading.’” *Dart*, 574 U.S. at 87 (alteration in original). No evidentiary  
 5 support is required for removal. *Id.* at 84.

6 **III. REMOVAL UNDER THE CLASS ACTION FAIRNESS ACT**

7 This Court has original jurisdiction of this action under CAFA, codified in pertinent part  
 8 at 28 U.S.C. § 1332(d)(2). As set forth below, this case may be removed pursuant to 28 U.S.C.  
 9 § 1441(a) because the action is a putative class action in which at least one member is a citizen of  
 10 a different state than Whitepages and the aggregate amount in controversy exceeds \$5,000,000,  
 11 exclusive of interest and costs. 28 U.S.C. § 1332(d)(2) & (d)(6). Furthermore, the number of  
 12 putative class members is greater than 100. 28 U.S.C. § 1332(d)(5)(B).

13 Counsel for Plaintiff previously filed a nearly identical lawsuit against Whitepages in the  
 14 United States District Court for the District of Colorado, *Tucker v. Whitepages, Inc.*, Case No.  
 15 1:24-cv-03500 (D. Colo. 2024) (the “Colorado Case”), conceding jurisdiction under CAFA.  
 16 **Exhibit B** attached hereto, ¶ 12 (“The Court has subject matter jurisdiction over this action under  
 17 the Class Action Fairness Act, 28 U.S.C. 1332(d) *et seq.* in that the proposed Class consists of over  
 18 100 people, the Classes are minimally diverse, on information and belief more than \$5 million is  
 19 at issue, and none of the exceptions to CAFA jurisdiction applies.”). As here, the Colorado Case  
 20 alleged that Whitepages violated the PTFA by listing the cellular telephone numbers of Colorado  
 21 residents without consent. *See id. generally.* In an apparent effort to avoid the judicial assignments  
 22 in Colorado, Plaintiff’s counsel voluntarily dismissed the Colorado Case and refiled a copycat  
 23 complaint in the Superior Court in Washington using a different putative class representative. *See*  
 24 Exs. A & B. As with the Colorado Case, this case is subject to CAFA jurisdiction.

25 **A. Diversity of Citizenship**

26 Under CAFA, sufficient diversity of citizenship exists where “any member of a class of  
 27 plaintiffs is a citizen of a State different from any defendant.” *See* 28 U.S.C. § 1332(d)(2)(A).

1 According to Plaintiff's Complaint, he "is a resident and citizen of Colorado Springs, Colorado."  
 2 Ex. A ¶ 10. Whitepages "is a Delaware corporation with its principal place of business at 2033  
 3 6th Avenue, Suite 1100, Seattle, Washington 98121." *Id.* ¶ 11. Whitepages thus is a citizen of  
 4 Delaware and Washington. *See* 28 U.S.C. § 1332(c)(1) ("[A] corporation shall be deemed to be a  
 5 citizen of every State and foreign state by which it has been incorporated and of the State or foreign  
 6 state where it has its principal place of business."). Accordingly, there is diversity under CAFA.

7 **B. Number of Class Members**

8 Plaintiff purports to bring this action pursuant to the Colorado Rules of Civil Procedure,  
 9 Rule 23, and estimates the proposed class includes "at least thousands of individuals." Ex. A ¶ 40.  
 10 Based on this allegation, the aggregate number of class members in Plaintiff's proposed class  
 11 exceeds 100 and satisfies 28 U.S.C. § 1332(d)(5).

12 **C. Amount In Controversy Exceeds \$5,000,000.**

13 Under CAFA, a district court aggregates the claims of individual class members to  
 14 determine if the amount in controversy exceeds the required "sum or value of \$5,000,000,  
 15 exclusive of interest and costs." 28 U.S.C. §§ 1332(d)(2), (d)(6); *see Dart*, 574 U.S. at 89 (holding  
 16 that "a defendant's notice of removal need include only a plausible allegation that the amount in  
 17 controversy exceeds the jurisdictional threshold" and does not require evidentiary submissions);  
 18 *see also Perez v. Rose Hills Co.*, 131 F.4th 804, 806-08 (9th Cir. 2025) (vacating district court  
 19 remand after removal and remanding for further proceedings). As the Ninth Circuit held less than  
 20 two months ago: "In calculating the amount in controversy, a removing defendant may make  
 21 reasonable assumptions based on the plaintiff's complaint." *Perez*, 131 F.4th at 806. And as the  
 22 Ninth Circuit reasoned three years earlier, the amount at stake for purposes of removal amount in  
 23 controversy does not mean "probable liability"; it means "possible liability." *Jauregui*, 28 F.4th  
 24 at 994.

25 In the Colorado Case, Plaintiff's counsel *already pled in excess of \$5,000,000 in*  
 26 *controversy. See* Ex. B at ¶ 12. That answers the amount-in-controversy question.

1        But even if it didn't, Plaintiff alleges that Whitepages violated PTFA § 6-1-304(4) and  
 2 seeks to recover "at least three hundred dollars and not more than five hundred dollars for each  
 3 first offense, and at least five hundred dollars and not more than one thousand dollars for each  
 4 second or subsequent offense," as well as attorneys' fees and injunctive relief. Ex. A at ¶¶ 54, 57-  
 5 59. Plaintiff thus alleges that he and the putative class have suffered (at a minimum) \$300 in  
 6 statutory damages per alleged offense. *Id.* at ¶¶ 54, 57-59. Even if these were the *only* damages  
 7 used to calculate the amount in controversy, there would need to be only 16,667 members in the  
 8 putative class and one violation each to exceed the \$5,000,000 threshold. *See, e.g., Jauregui*, 28  
 9 F.4th at 994-95 (in reversing remand after removal, reasoning that the defendant had done  
 10 plausible math in its notice of removal based on various assumptions, including one hour a week  
 11 of unpaid work, 63,431 work weeks in question, multiplication by an average wage of \$16.22,  
 12 doubling for liquidated damages, and addition of potential penalties). The amount-in-controversy  
 13 threshold is not limited to the statutory damages claim but also includes all other forms of potential  
 14 relief, including the value of the injunctive relief sought, Ex. A at ¶¶ 56, 58, as well as attorneys'  
 15 fees, *id.* at ¶ 59. *See, e.g., Greene v. Harley-Davidson, Inc.*, 965 F.3d 767, 771-75 (9th Cir. 2020)  
 16 (reversing remand after removal and affirming the defendant's plausible calculation of amount in  
 17 controversy based on theoretical compensatory and punitive damages, attorneys' fees, and  
 18 injunctive relief).  
 19

20       Plaintiff seeks to "represent a class defined as all Colorado residents whose cell phone  
 21 numbers were listed on whitepages.com. . ." Ex. A at ¶ 38. Whitepages denies any violation of  
 22 the PTFA and also denies that this matter is suitable for treatment as a class action. However,  
 23 without admitting putative class size (which likely isn't even ascertainable), Whitepages notes that  
 24 it is plausible that the purported class is at least 16,667 people. According to the 2024 U.S. Census,  
 25 the population of the state of Colorado was 5,957,493.<sup>1</sup> 16,667 people would be 0.28 percent of  
 26 the 2024 population of Colorado. From a plausibility perspective, the CAFA amount in  
 27

---

<sup>1</sup> See <https://www.census.gov/quickfacts/fact/table/CO/PST045224> (last visited April 24, 2025).

1 controversy requirement is satisfied, particularly when all forms of relief sought are considered.  
 2 The PTFA provides for consequential damages, court costs, attorneys' fees, and statutory penalties  
 3 (all of which the putative class seeks). *See* Colo. Rev. Stat. § 6-1-305; *see also* Ex. A ¶¶ 54, 57-  
 4 59. There's a reason Plaintiff's counsel pled greater than \$5,000,000 in controversy in the  
 5 Colorado Case. *See* Ex. B at ¶ 12.

6 **II. THE EXCEPTIONS TO CAFA JURISDICTION DO NOT APPLY.**

7 Plaintiff bears the burden of establishing any applicable exceptions to CAFA jurisdiction.  
 8 *See Serrano v. 180 Connect, Inc.*, 478 F.3d 1018, 1024 (9th Cir. 2007). Plaintiff's counsel has  
 9 already pled in the Colorado Case that none of the exceptions exists. *See* Ex. B ¶ 12. That  
 10 admission should end the inquiry.

11 Regardless, CAFA provides one discretionary exception and two mandatory exceptions to  
 12 application of federal jurisdiction. 28 U.S.C. §§ 1332(d)(3)-(4). But all three exceptions include  
 13 the requirement that one-third or more of the members of the putative class are citizens of the state  
 14 in which the action was originally filed. 28 U.S.C. §§ 1332(d)(3)-(4). Here, because Plaintiff  
 15 alleges that the putative class is comprised exclusively of Colorado residents, Ex. A at ¶ 38, the  
 16 Court can conclude that one-third or more of the putative class members are not citizens of  
 17 Washington.

18 **III. 28 U.S.C. § 1446 REQUIREMENTS**

19 Section 1446 also sets forth certain procedural requirements for removal, all of which are  
 20 met here.

21 **A. Venue for Purposes of Removal Is Proper**

22 The proper venue for removed cases is the District embracing the county where the state  
 23 court action was pending. *See* 28 U.S.C. § 1441(a); 28 U.S.C. § 1446(a). The State Court Action  
 24 was originally filed in the Superior Court of the State of Washington in and for King County. King  
 25 County is within the jurisdiction of this District. That being written, Whitepages reserves all rights,  
 26 including the right to challenge the filing of this suit after voluntary non-suit of the Colorado Case  
 27 as paradigmatic of inappropriate judge-shopping and to move for an arbitrability-related stay.

1                   **B. Removal Is Timely**

2                   Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely because it was filed  
 3 within 30 days of April 14, 2025, the date Whitepages was served with the Summons and  
 4 Complaint, and is made within one year after commencement of the action.

5                   **C. Pleadings and Process/Notice to State Court**

6                   Consistent with 28 U.S.C. §§ 1446(a) and (d) and concurrently with the filing of this Notice  
 7 of Removal, written notice of the filing will be served upon Plaintiff's counsel. In addition, a copy  
 8 of this Notice of Removal will be filed with the Clerk of the Superior Court of the State of  
 9 Washington in and for King County.

10                  **IV. RESERVATIONS**

11                  By filing this notice of removal, Whitepages does not waive any elemental challenge or  
 12 defense that may be available to it and hereby expressly reserves all elemental challenges and  
 13 defenses, including but not limited to: arbitrability, improper venue, *forum non conveniens*,  
 14 insufficiency of process, lack of standing, failure to state a claim, and improper judge shopping.  
 15 Whitepages disputes the Complaint in its entirety, including all factual and legal allegations and  
 16 prayers for relief. Whitepages reserves the right to amend or supplement this notice of removal if  
 17 needed.

18                  WHEREFORE, Whitepages removes this action to this Court.

1 Dated: May 2, 2025

2

3 **GOLDFARB & HUCK ROTH RIOJAS, PLLC**

4 /s/ Kimberlee L. Gunning

5 Kimberlee L. Gunning, WSBA No. 35366

6 /s/ R. Omar Riojas

7 R. Omar Riojas, WSBA No. 35400

8 925 Fourth Avenue, Suite 3950

10 Seattle, WA 98104

11 Tele: 206.452.0260

12 Email: [gunning@goldfarb-huck.com](mailto:gunning@goldfarb-huck.com)

13 [riojas@goldfarb-huck.com](mailto:riojas@goldfarb-huck.com)

14 **VEDDER PRICE P.C.**

15 Blaine C. Kimrey (*pro hac vice*  
16 application forthcoming)

17 Bryan K. Clark (*pro hac vice* application  
18 forthcoming)

19 222 N. LaSalle Street, Suite 2400

20 Chicago, IL 60601

21 Tele: 312.609.7500

22 Email: [bkimrey@vedderprice.com](mailto:bkimrey@vedderprice.com)

23 [bclark@vedderprice.com](mailto:bclark@vedderprice.com)

24 *Attorneys for Defendant Whitepages, Inc.*

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

### I. (a) PLAINTIFFS

Robert Clark

(b) County of Residence of First Listed Plaintiff El Paso  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Emery Reddy, PLLC  
600 Stewart Street, Suite 1100, Seattle, WA 98101  
(206) 442-9106

### DEFENDANTS

Whitepages, Inc.

County of Residence of First Listed Defendant King  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Goldfarb & Huck Roth Riojas, PLLC  
925 Fourth Avenue, Suite 3950, Seattle, WA 98104  
(206) 452-0260

### II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

### III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF	PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4
Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

### IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<b>INTELLECTUAL PROPERTY RIGHTS</b>	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 410 Antitrust	
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 340 Marine Product Liability	<input type="checkbox"/> 430 Banks and Banking	
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 450 Commerce	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)	
<input type="checkbox"/> 190 Other Contract		<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 485 Telephone Consumer Protection Act	
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 490 Cable/Sat TV	
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 850 Securities/Commodities/ Exchange	
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	<a href="#">Click here for: Nature of Suit Code Descriptions.</a>
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<b>Habeas Corpus:</b>	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<b>Other:</b>	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 871 IRS—Third Party	
		<input type="checkbox"/> 555 Prison Condition	26 USC 7609	
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

### V. ORIGIN (Place an "X" in One Box Only)

<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
--	--	--	---	--	--	---

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Removed to this Court from King County Superior Court pursuant to the Class Action Fairness Act, 28 U.S.C. Sections 1332, 1441.

Brief description of cause:

Violation of Colorado Prevention of Telemarketing Fraud Act due to defendant's alleged listing of cell phone numbers on its website.

**VII. REQUESTED IN COMPLAINT:**  CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** At least \$5,000,000 **CHECK YES only if demanded in complaint:** **JURY DEMAND:**  Yes  No

**VIII. RELATED CASE(S) IF ANY** (See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD  
May 2, 2025 /s/ Kimberlee L. Gunning

**FOR OFFICE USE ONLY**

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
  - United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
  - United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
  - Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
  - Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
  - Original Proceedings. (1) Cases which originate in the United States district courts.
  - Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
  - Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
  - Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
  - Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
  - Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
  - Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.

**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
  - Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
  - Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

# EXHIBIT A

FILED

2025 APR 10 02:18 PM  
KING COUNTY  
SUPERIOR COURT CLERK  
E-FILED  
CASE #: 25-2-11215-2 SEA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

ROBERT CLARK, individually and on behalf  
of all others similarly situated,

No.

## CLASS ACTION COMPLAINT

V.

WHITEPAGES, INC, a Delaware corporation,

Defendant.

Plaintiff Robert Clark (“Plaintiff”) individually and on behalf of all others similarly situated, brings this Class Action Complaint for violations of Colo. Rev. Stat. § 6-1-304 (Colorado’s “Prevention of Telemarketing Fraud Act” or “PTFA”) against Defendant Whitepages, Inc (“Whitepages” or “Defendant”). Plaintiff makes the following allegations pursuant to his counsel’s investigation and based upon information and belief, except as to allegations specifically pertaining to himself, which are based on personal knowledge.

## I. NATURE OF ACTION

1. On May 27, 2005, former Colorado Governor Bill Owens signed into law HB05-1288,<sup>1</sup> which amended the PTFA to prohibit commercially listing a cell phone number in a

<sup>1</sup> <https://www.leg.state.co.us/clics2005a/csl.nsf/fsbillcont2/1B80D3E00348AC6987256F90007C20C7?Open>. See also [https://leg.colorado.gov/sites/default/files/images/olls/2005a\\_sl\\_180.pdf](https://leg.colorado.gov/sites/default/files/images/olls/2005a_sl_180.pdf).

1 directory, without permission.<sup>2</sup> See Colo. Rev. Stat. § 6-1-304(4)(a)(I).

2. This prohibition is designed to protect privacy. As former State Representative  
 3 Mark Cloer,<sup>3</sup> a prime sponsor of HB05-1288,<sup>4</sup> stated in describing this new portion of the PTFA:  
 4 “[m]ost people view their cell phones as private. They give out the number to friends and family  
 5 and some colleagues. When their cell phone rings, they expect it to be important.”<sup>5</sup>

3. Indeed, concern over cell phone privacy is widespread. According to a research  
 4 paper presented in May 2005 at the American Association for Public Opinion Research  
 5 (AAPOR)’s Annual Conference<sup>6</sup> and January 2006 at the American Statistical Association  
 6 (ASA)’s Second International Conference on Telephone Survey Methodology:<sup>7</sup>

10 [T]here appears to be a strong reluctance on the part of cell phone owners to have  
 11 their cell phone numbers listed in a directory. ....

12 This reluctance on the part of respondents to have their cell phone number listed in  
 13 a directory may be rooted in not wishing to incur additional costs due to unsolicited  
 14 incoming calls. ....

15 A more likely reason for their unwillingness to have their cell phone number listed  
 16 is that respondents view the cell phone as more of a private medium of  
 17 communication than their land-line phone. They probably wish to restrict access to  
 18 their cell phone number to family and friends.<sup>8</sup>

4. The Colorado General Assembly enacted subsection (4) of the PTFA to address  
 5 these privacy concerns and to protect cell phone users from the misappropriation of their personal  
 6 information. This aligns with the PTFA’s overall purpose, as articulated by Colo. Rev. Stat. § 6-  
 7 1-301:

21 The general assembly hereby finds, determines, and declares that the use of  
 22 telephones for commercial solicitation is rapidly increasing; that this form of

23 <sup>2</sup> <https://www.leg.state.co.us/CLICS2005A/commsumm.nsf/IndSumm/574E34C489356ADA87256FB100612E60?OpenDocument>. See also <https://www.leg.state.co.us/CLICS2005A/commsumm.nsf/91320994cb8e0b6e8725681d005cb995/574e34c489356ada87256fb100612e60?OpenDocument>.

24 <sup>3</sup> See <https://www.leg.state.co.us/clics2005a/directory.nsf>.

25 <sup>4</sup> <https://lawcollections.colorado.edu/colorado-session-laws/islandora/object/session%3A36205> at p. 2461. See also <https://www.leg.state.co.us/CLICS2005A/csl.nsf>StatusAll?OpenFrameSet>.

26 <sup>5</sup> <https://www.9news.com/article/news/local/politics/legislative-library-feb-23-2005/73-344789916>.

27 <sup>6</sup> <https://aapor.org/wp-content/uploads/2024/05/AAPORPrograms2005.pdf> at pp. 13, 84.

<sup>7</sup> [https://scholar.google.com/citations?view\\_op=view\\_citation&hl=en&user=I2jkzr0AAAAJ&citation\\_for\\_view=I2jkzr0AAAAJ:M3ejUd6NZC8C](https://scholar.google.com/citations?view_op=view_citation&hl=en&user=I2jkzr0AAAAJ&citation_for_view=I2jkzr0AAAAJ:M3ejUd6NZC8C); <https://www.amstat.org/meetings/tsmii/2006/index.cfm?fuseaction=main>.

<sup>8</sup> <http://www.asasrms.org/Proceedings/y2005/files/JSM2005-000345.pdf> at p. 4005.

1 communication offers unique benefits, but entails special risks and poses the  
 2 potential for abuse; that the general assembly finds that the widespread practice of  
 3 fraudulent and deceptive commercial telephone solicitation has caused substantial  
 4 financial losses to thousands of consumers, and, particularly, elderly, homebound,  
 5 and otherwise vulnerable consumers, and is a matter vitally affecting the public  
 6 interest; and, therefore, that the general welfare of the public and the protection of  
 7 the integrity of the telemarketing industry requires statutory regulation of the  
 8 commercial use of telephones.

9  
 10 5. Colo. Rev. Stat. § 6-1-304(4) provides, in pertinent part:

11 (a) On or after September 1, 2005, a person commits an unlawful telemarketing  
 12 practice if the person knowingly: (I) Lists a cellular telephone number in a directory  
 13 for a commercial purpose unless the person whose number has been listed has given  
 14 affirmative consent, through written, oral, or electronic means, to such listing[.]

15 6. Despite this abundantly clear proscription, Defendant has listed the cellular  
 16 telephone numbers of thousands of Colorado residents in its for-sale and for-profit directories,  
 17 without requesting (let alone actually receiving) affirmative consent to such listings.

18 7. Thus, while Defendant profits handsomely from its unauthorized commercial  
 19 listing of Plaintiff's and other Class Members' personal information, it does so at the expense of  
 20 Coloradans' statutory privacy rights, under the PTFA.

21 8. Not only is Defendant's misappropriation unlawful – it is also dangerous. The  
 22 Federal Trade Commission's ("FTC") report on "Data Brokers" states:

23 There are a number of potential risks to consumers from data brokers' collection  
 24 and use of consumer data. ... [T]hey may facilitate the sending of advertisements  
 25 ... which some consumers may find troubling and which could undermine their  
 26 trust in the marketplace. Moreover, ... people search products can be used to  
 27 facilitate harassment, or even stalking, and may expose domestic violence victims,  
 28 law enforcement officers, prosecutors, public officials, or other individuals to  
 29 retaliation or other harm. [In addition, s]toring [d]ata [a]bout [c]onsumers  
 30 [i]ndefinitely [m]ay [c]reate [s]ecurity [r]isks[.]<sup>9</sup>

31 9. Plaintiff brings this action to prevent Defendant from further violating the privacy  
 32 rights of Colorado cell phone users and to recover statutory damages from Defendant, pursuant  
 33 to Colo. Rev. Stat. § 6-1-305(1)(c).

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## II. PARTIES

10. Plaintiff Robert Clark is a resident and citizen of Colorado Springs, Colorado. Plaintiff's cellular telephone number was listed by Defendant in its directory, available at whitepages.com, to advertise and/or actually sell products and services. Defendant never requested – and Plaintiff never provided – affirmative consent, through written, oral, or electronic means, to such listing. In fact, Plaintiff has no relationship with Defendant whatsoever. Plaintiff had never heard of Defendant and had no reasonable ability to discover Defendant's use of his personal information until shortly before filing suit.

11. Defendant Whitepages, Inc is a Delaware corporation with its principal place of business at 2033 6th Avenue, Suite 1100, Seattle, Washington 98121. Defendant operates the directory whitepages.com. Therein, and for commercial purposes, Defendant has listed the cellular telephone numbers of thousands of individuals whom it knows to reside in Colorado.

### III. JURISDICTION AND VENUE

12. This Court has jurisdiction over this action pursuant to RCW 2.08.010.

13. This Court has personal jurisdiction over Defendant because it maintains its principal place of business in King County, Washington.

14. Venue is proper in this Court pursuant to RCW 4.12.025 because Defendant resides in King County, Washington.

#### IV. FACTUAL ALLEGATIONS

## A. Overview of Defendant's Directory

15. Defendant is a data broker – a company “that collect[s] consumers’ personal information and resell[s] or share[s] that information with others[.]”<sup>10</sup>

16. Specifically, Defendant provides online “people search” (also known as “people finder”) services. People search companies, like Defendant, specialize in compiling vast amounts

<sup>10</sup> <https://www.ftc.gov/system/files/documents/reports/data-brokers-call-transparency-accountability-report-federal-trade-commission-may-2014/140527databrokerreport.pdf> at p. i.

1 of information about individuals from various sources.<sup>11</sup>

2 17. Defendant and its competitors monetize said personal details through their  
 3 directories – some of which are ad-supported and give users free access to the data, and others of  
 4 which furnish reports about people for a fee.

5 18. Defendant's directory is available at whitepages.com. There, anyone on the  
 6 Internet can view Coloradans' "verified phone numbers, home addresses, email addresses,  
 7 relatives, property records, background reports, and more."<sup>12</sup>

8 19. This is achieved by simply searching an individual by name, city, state, phone  
 9 number, address, and/or other parameters:<sup>13</sup>

10

11  SEARCH. FIND. KNOW. [Log In](#) [Sign Up](#)

12

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## People Search

14 Search by name to **find people and get contact information** for  
 15 over 250 million U.S. adults.

16 [PEOPLE SEARCH](#) [REVERSE PHONE](#) [REVERSE ADDRESS](#)

17   [Search](#)

18  Get the phone number  Lookup current address  Find verified emails

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21 20. Users of whitepages.com can also find people listed by last name and city (i.e.,  
 22 those with the surname of "Anderson" in Denver):<sup>14</sup>

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26 <sup>11</sup> <https://consumer.ftc.gov/articles/what-know-about-people-search-sites-sell-your-information>.

27 <sup>12</sup> <https://www.whitepages.com/people-search>.

<sup>13</sup> *Id.*

<sup>14</sup> <https://www.whitepages.com/white-pages/denver-co/a>.

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whitepages<sup>®</sup>
SEARCH. FIND. KNOW.
PEOPLE
PHONE
ADDRESS

e.g. Jon Snow

City, State or ZIP

Search

[Log In](#)
[Sign Up](#)

## Popular last names starting with A in Denver, CO

Home > White Pages > Colorado > Denver > A

Anderson	Allen	Adams	Aguilar	Alvarez
Archuleta	Aragon	Alexander	Alvarado	Acosta
Avila	Aguirre	Arellano	Armstrong	Abeyta
Apodaca	Andrade	Ayala	Andrews	Arnold
Al	Ali	Acevedo	Austin	Armijo
Atencio	Armendariz	Arroyo	Ahmed	Amaya
Anaya	Arreola	Avalos	Arguello	Arias

21. After entering this information, a whitepages.com user is furnished a list of search results. Each result corresponds to an actual person that Defendant has located who matches the searched parameters.<sup>15</sup>

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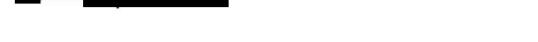
25

26

27

in 1000+ people found

Find current address in phone number and email. Contact information for people named ... more

AGE	
	<a href="#">View Full Report</a>
MAY GO BY	
ADDRESSES	
RELATED TO	
EMAIL	
<a href="#">Phone</a>   <a href="#">Address</a>   <a href="#">Email</a>	
AGE	
	<a href="#">View Full Report</a>
MAY GO BY	
ADDRESSES	
RELATED TO	
EMAIL	
<a href="#">Phone</a>   <a href="#">Address</a>   <a href="#">Email</a>	

<sup>15</sup> Note, in this image of whitepages.com's search results, Plaintiff's counsel has redacted certain sensitive personal information (black portions). Defendant, itself, also blurs certain information (pixelated portions) to entice users to purchase Defendant's full background reports and gain complete access.

1       22. Upon selecting a particular person to investigate from the search results, a  
2 whitepages.com user can access a free, limited preview of Defendant's paid, full background  
3 reports. Whitepages.com free, limited previews include searched individuals' cell phone  
4 number(s) and a plethora of other identifying information.<sup>16</sup>

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26       26 Note, in this image of whitepages.com's free, limited preview, Plaintiff's counsel has redacted certain sensitive  
27 personal information (blue portions). Defendant, itself, also blurs certain information (pixelated portions) to entice  
users to purchase Defendant's full background reports and gain complete access.

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PEOPLE SEARCH PHONE ADDRESS

Log In Sign Up

People Search > [REDACTED]

Monitor

Age Range

Get [REDACTED]'s Background Report

0 Criminal & Traffic 0 Public 3 Property 0 More

[View Background Report](#)

Get [REDACTED]'s Contact Info

Landlines (9) See 3 More >

Cell Phones (7) See 2 More >

Emails [REDACTED] @hotmail.com See 2 More >

[View \[REDACTED\]'s Contact Info](#)

[REDACTED] is currently in their 50s. Relatives and family members of [REDACTED] include [REDACTED] in a single family. ...more

Phone Numbers for [REDACTED] 9

We found 9 verified phone numbers for [REDACTED]. Phone numbers include both cell phones and landlines.

**Cell Phones (3)**

PRIMARY (7) [REDACTED]  (9) [REDACTED] [View Cell Phone Numbers](#)

**Landlines (4)**

PRIMARY (9) [REDACTED]  (7) [REDACTED] [View More Landlines](#)

**Other (2)**

PRIMARY (9) [REDACTED]  (9) [REDACTED]

[View Phone Numbers](#)

Addresses for [REDACTED] 10

We found 10 home addresses for [REDACTED]. Address may include current or past addresses and owned properties.

CURRENT [REDACTED]

1        23. Defendant also makes available paid, full background reports that do not redact or  
 2 blur searched individuals' sensitive personal information whatsoever – including cell phone  
 3 numbers. Instead, they offer a comprehensive view into said individuals' private details.<sup>17</sup>

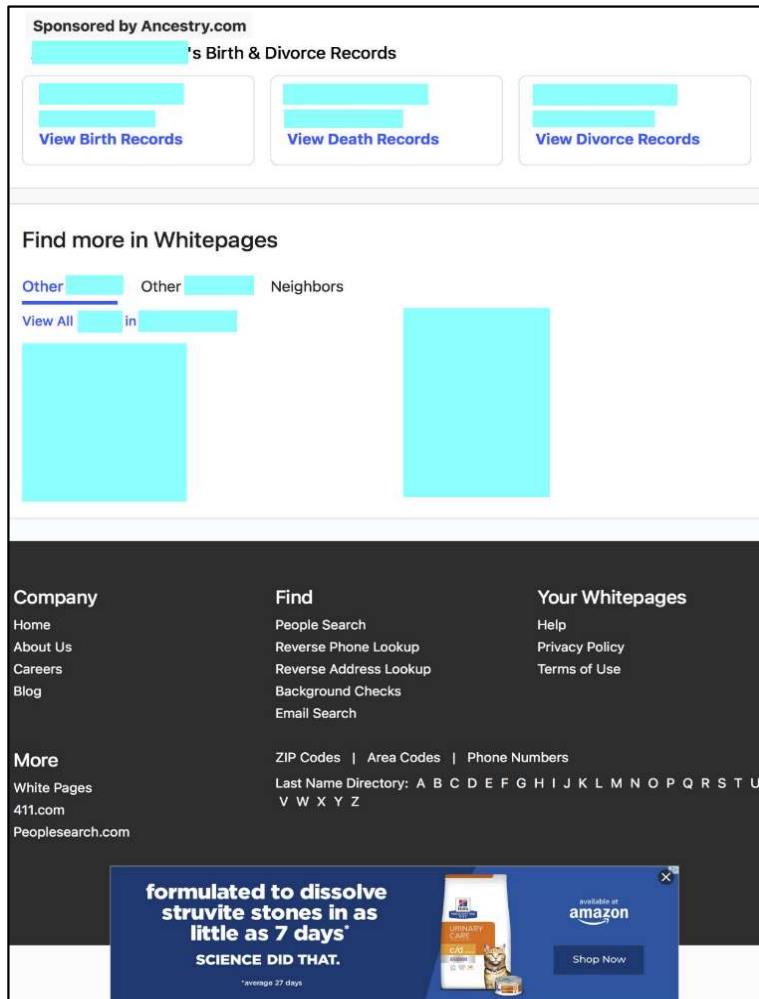
4 [REDACTED] AGE [REDACTED] LOCATION [REDACTED]  
 5 May also be known as [REDACTED]  
 6 Monitor [REDACTED] [REDACTED]  
 7 [REDACTED] Criminal records [REDACTED] Some Legal Troubles [REDACTED] Foreclosures [REDACTED] Married [REDACTED]  
 8 Phone Numbers 7 Addresses 6 Relatives & Associates 16 Criminal Records 4 Traffic Records 4 >  
 9 **Phone Numbers**  
 10 LANDLINES (4)  
 11 ✓ PRIMARY [REDACTED] [REDACTED] [REDACTED] Show 2 More  
 12 [REDACTED] [REDACTED]  
 13 CELL PHONES (4)  
 14 ✓ PRIMARY [REDACTED] [REDACTED] [REDACTED] Show 2 More  
 15 [REDACTED] [REDACTED]  
 16 OTHER (1)  
 17 [REDACTED]  
 18 **Addresses** - 1 NEW  
 19 Zackary has 1 current address and 5 previous addresses.  
 20 ✓ PRIMARY [REDACTED] NEW OWNER [REDACTED] ✓ PRIMARY [REDACTED] RENTER [REDACTED]  
 21 [REDACTED] [REDACTED] Map [REDACTED] [REDACTED] Map  
 22  
 23  
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27 <sup>17</sup> Note, in this image of whitepages.com's paid, full background report, Plaintiff's counsel has redacted certain sensitive personal information (black portions).

1       24. As the above images of whitepages.com make clear, Defendant knowingly lists  
 2 Coloradans' cell phone numbers. On whitepages.com, Defendant states: "We found [] verified  
 3 phone numbers for [a particular person]. Phone numbers include both cell phones and landlines."  
 4 Defendant encourages users to "View Cell Phone Numbers[.]" And Defendant does, in fact,  
 5 provide phone numbers for what it correctly labels "Cell Phones."

6       25. The purpose behind listing individuals' personal information – including cell  
 7 phone numbers – on whitepages.com is twofold.

8       26. First, listing said information helps Defendant generate ad revenue. Defendant  
 9 advertises how pages are "Sponsored by Ancestry.com" (which, on information and belief, pays  
 10 Defendant for that distinction), and Defendant advertises other third-parties' products and  
 11 services (here, pet food being sold on Amazon).



1        27. Second, listing said information helps Defendant entice users to acquire access to  
 2 Defendant's paid, full background reports.

3        28. To acquire a full background report from Defendant, a whitepages.com user can  
 4 either (a) pay a one-time fee of \$11.99 for a single report or (b) pay a monthly subscription fee  
 5 ranging from \$5.99 per month to \$109.99 per month:<sup>18</sup>

whitepages<sup>®</sup>  
SEARCH. FIND. KNOW.

Get complete contact info & more with Premium

Every 3 seconds a Premium subscriber finds the exact info they need

Premium Contact Info	Premium Business	Premium Business Enterprise	Background Report
<b>\$5<sup>99</sup> /mo</b>	<b>\$9<sup>99</sup> /mo</b>	<b>\$109<sup>99</sup> /mo</b>	<b>\$11<sup>99</sup> /once</b>
Contact info, including all phones & addresses	Complete contact info, including all emails, phones & addresses <b>PLUS</b> time-saving tools	500 contact info lookups, including all emails, phones & addresses <b>PLUS</b> time-saving tools	Complete contact info <b>PLUS</b> property, criminal & public records
<b>Select</b>	<b>Select</b>	<b>Select</b>	<b>Select</b>
Cancel anytime.	Cancel anytime.	Cancel anytime.	No commitment
Includes:	All of <b>Premium Contact Info</b> , plus:	All of <b>Premium Business</b> , plus:	Includes:
<input checked="" type="checkbox"/> 20 Contact Info Lookups <input checked="" type="checkbox"/> Save & Export Contacts	<input checked="" type="checkbox"/> Email Addresses <b>NEW</b> ⓘ <input checked="" type="checkbox"/> Property Value Forecasts <b>NEW</b> ⓘ <input checked="" type="checkbox"/> Speed Search	<input checked="" type="checkbox"/> More Contact Info Lookups	<input checked="" type="checkbox"/> 1 Background Report ⓘ

19        29. Users can also access a 5-day trial membership for \$1:

whitepages PREMIUM

SPECIAL OFFER

**5-day Trial Membership \$1**

- Complete contact info
- All phones, emails, addresses, and property info

27        <sup>18</sup> <https://www.whitepages.com/checkout/pricing>.

1       30. Thus, the listing of Plaintiff's and Class Members' cell phone numbers is for a  
 2 commercial purpose. Indeed, that is Defendant's entire business model. Defendant is literally  
 3 selling Plaintiff's and Class Members' cell phone numbers and accompanying information to its  
 4 customers and subscribers.

5 **B. Defendant's Conduct Harms Coloradans**

6       31. Consumer data is key to the \$26 billion-per-year online advertising industry in the  
 7 United States.<sup>19</sup> Clearly, and per the FTC, consumer data possesses inherent monetary value:

8       Most consumers cannot begin to comprehend the types and amount of information  
 9 collected by businesses, or why their information may be commercially valuable.  
 10 Data is currency. The larger the data set, the greater potential for analysis – and  
 11 profit.<sup>20</sup>

12       32. In fact, individuals' private information has become such a valuable commodity  
 13 that companies now offer individuals the opportunity to monetize their personal data.<sup>21</sup>

14       33. These companies' business models capitalize on a fundamental principle  
 15 underlying the modern information marketplace: Consumers recognize the economic value of  
 16 their private data. Along these lines, research shows that consumers are willing to pay a premium  
 17 to purchase services from companies that adhere to more stringent policies of protecting their  
 18 data.<sup>22</sup> A 2014 survey conducted by Harris Interactive on behalf of TRUSTe, Inc. showed that 89  
 19 percent of consumers avoid doing business with companies who they believe do not protect their  
 20

21 <sup>19</sup> <http://online.wsj.com/article/SB10001424052748703529004576160764037920274.html>.

22 <sup>20</sup> [https://www.ftc.gov/sites/default/files/documents/public\\_statements/remarks-ftc-exploring-privacy-roundtable/091207privacyroundtable.pdf](https://www.ftc.gov/sites/default/files/documents/public_statements/remarks-ftc-exploring-privacy-roundtable/091207privacyroundtable.pdf) at p. 2.

23 <sup>21</sup> See, e.g., <https://www.washingtonpost.com/technology/2023/02/06/consumers-paid-money-data/>;  
<http://www.nytimes.com/2012/02/13/technology/start-ups-aim-to-help-users-put-a-price-on-their-personal-data.html>; <https://techcrunch.com/2023/08/16/caden-lands-15m-to-let-users-monetize-their-personal-data/>;  
<https://www.theverge.com/2019/6/11/18661595/facebook-study-app-monitor-phone-usage-pay>;  
<https://sifted.eu/articles/gener8>; <https://www.theverge.com/2012/2/8/2785751/google-screenwise-panel-web-monitoring-knowledge-networks>; <https://www.sidehustlenation.com/get-paid-for-your-data/>;  
<https://millennialmoneyman.com/get-paid-for-your-data/>.

24 <sup>22</sup> See, e.g., <https://web.archive.org/web/20240420201259/https://www.enisa.europa.eu/publications/monetising-privacy/@/download/fullReport>; <https://citeseerx.ist.psu.edu/document?repid=rep1&type=pdf&doi=8b70320d110370c82ca9cbab768db58b74878234>.

1 privacy.<sup>23</sup> The same is true for 80 percent of smartphone users, who say that they avoid using  
 2 smartphone apps that they don't believe protect their privacy.<sup>24</sup>

3 34. Defendant's misappropriation of Coloradans' cell phone numbers undeniably  
 4 deprives state residents of the ability to enjoy their PTFA privacy rights. It also deprives them of  
 5 the real, quantifiable value of such data.

6 35. Further, "[p]eople search sites ... offer a wealth of information that can be  
 7 exploited by malicious actors."<sup>25</sup> For one, "[b]undling [personal data] all together and making it  
 8 so easily accessible can ... put ordinary people at risk of ... stalking and other forms of  
 9 harassment."<sup>26</sup> Second, people search sites' "comprehensive data allows cybercriminals to build  
 10 detailed profiles of potential victims, making it easier to craft convincing scams or carry out  
 11 identity theft."<sup>27</sup> This "put[s] almost anyone within the reach of fraudulent telemarketers[]"<sup>28</sup> and  
 12 other wrongdoers.<sup>29</sup>

13 36. Information disclosures like Defendant's are particularly dangerous to the elderly.  
 14 "Older Americans are perfect telemarketing customers, analysts say, because they are often at  
 15 home, rely on delivery services, and are lonely for the companionship that telephone callers  
 16 provide."<sup>30</sup> The FTC notes that "[t]he elderly often are the deliberate targets of fraudulent  
 17 telemarketers who take advantage of the fact that many older people have cash reserves or other  
 18 assets to spend on seemingly attractive offers."<sup>31</sup>

19 37. Making matters worse, "[o]nce marked as receptive to [a specific] type of spam, a  
 20 consumer often is bombarded with similar fraudulent offers from a host of scam artists."<sup>32</sup>

21  
 22  
 23 <sup>23</sup> See [https://web.archive.org/web/20190820142832/http://www.theagitator.net/wp-content/uploads/012714\\_ConsumerConfidenceReport\\_US1.pdf](https://web.archive.org/web/20190820142832/http://www.theagitator.net/wp-content/uploads/012714_ConsumerConfidenceReport_US1.pdf) at p. 3.

24 <sup>24</sup> *Id.*

25 <https://www.foxnews.com/tech/dangerous-intersection-people-search-sites-scams>.

26 [https://innovation.consumerreports.org/Data-Defense\\_-Evaluating-People-Search-Site-Removal-Services-.pdf](https://innovation.consumerreports.org/Data-Defense_-Evaluating-People-Search-Site-Removal-Services-.pdf).

27 <https://www.foxnews.com/tech/dangerous-intersection-people-search-sites-scams>.

28 <http://www.nytimes.com/2007/05/20/business/20tele.html>.

29 <sup>29</sup> *Id.*

30 [https://www.ftc.gov/sites/default/files/documents/public\\_statements/prepared-statement-federal-trade-commission-fraud-against-seniors/agingtestimony.pdf](https://www.ftc.gov/sites/default/files/documents/public_statements/prepared-statement-federal-trade-commission-fraud-against-seniors/agingtestimony.pdf) at p. 1.

31 <sup>31</sup> *Id.* at p. 3.

## V. CLASS ALLEGATIONS

38. Pursuant to CR 23, Plaintiff seeks to represent a class defined as all Colorado residents whose cell phone numbers were listed on whitepages.com (the “Class”).

39. Plaintiff reserves the right to modify the Class definition, including by using subclasses, as appropriate based on further investigation and discovery obtained in the case.

40. **Numerosity:** The Class is composed of at least thousands of individuals, the joinder of which in one action would be impracticable. The disposition of their claims through this class action will benefit both the parties and the Court.

41. **Existence and Predominance of Common Questions of Fact and Law:** There is a well-defined community of interest in the questions of law and fact involved affecting the members of the proposed Class. The questions of law and fact common to the proposed Class predominate over questions affecting only individual Class Members. Such questions include, but are not limited to, the following: whether Defendant violated Colo. Rev. Stat. § 6-1-304(4)(a)(I); and whether Plaintiff and Class Members are entitled to damages, reasonable attorneys' fees, pre-judgment interest and costs of this suit, pursuant to Colo. Rev. Stat. § 6-1-305(1)(c).

42. **Typicality:** The claims of the named Plaintiff are typical of the claims of the Class because Plaintiff, like all other Class Members, had his cell phone number listed on whitepages.com for a commercial purpose; Defendant did so without requesting or receiving Plaintiff's affirmative consent (through written, oral, or electronic means); and Defendant's misappropriation of Plaintiff's personal data (including the economic value thereof) came at the expense of Plaintiff's PTFA privacy rights.

43. **Adequacy:** Plaintiff is an adequate representative of the Class because his interests do not conflict with the interests of the Class he seeks to represent, he has retained competent counsel experienced in prosecuting class actions, and he intends to prosecute this action vigorously. The interests of the Class will be fairly and adequately protected by Plaintiff and his counsel.

44. **Superiority:** The class mechanism is superior to other available means for the fair

1 and efficient adjudication of the claims of Class. Each individual Class Member may lack the  
 2 resources to undergo the burden and expense of individual prosecution of the complex and  
 3 extensive litigation necessary to establish Defendant's liability. Individualized litigation increases  
 4 the delay and expense to all parties and multiplies the burden on the judicial system presented by  
 5 the complex legal and factual issues of this case. Individualized litigation also presents a potential  
 6 for inconsistent or contradictory judgments. In contrast, the class action device presents far fewer  
 7 management difficulties and provides the benefits of single adjudication, economy of scale, and  
 8 comprehensive supervision by a single court on the issue of Defendant's liability. Class treatment  
 9 of the liability issues will ensure that all claims and claimants are before this Court for consistent  
 10 adjudication of the liability issues. Finally, Defendant has acted or refused to act on grounds  
 11 generally applicable to the entire Class, thereby making it appropriate for this Court to grant final  
 12 injunctive relief and declaratory relief with respect to the Class as a whole.

13 **VI. CAUSE OF ACTION**

14 **COUNT I**

15 **VIOLATION OF THE PREVENTION OF TELEMARKETING FRAUD ACT,  
 COLO. REV. STAT. § 6-1-304(4)(I)**

16  
 17 45. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

18 46. Plaintiff brings this claim individually and on behalf of the members of the  
 19 proposed Class against Defendant.

20 47. Colo. Rev. Stat. § 6-1-304(4) provides:

21 (a) On or after September 1, 2005, a person commits an unlawful telemarketing  
 22 practice if the person knowingly: (I) Lists a cellular telephone number in a directory  
 23 for a commercial purpose unless the person whose number has been listed has given  
 affirmative consent, through written, oral, or electronic means, to such listing[.]

24 48. Defendant failed to comply with this PTFA mandate.

25 49. Defendant knowingly lists Coloradans' cell phone numbers. On whitepages.com,  
 26 Defendant states: "We found [] verified phone numbers for [a particular person]. Phone numbers  
 27 include both cell phones and landlines." Defendant encourages users to "View Cell Phone

1 Numbers[.]” And Defendant indeed provides phone numbers for what it correctly labels “Cell  
 2 Phones.”

3 50. Defendant’s website, whitepages.com, is a directory – i.e., an “electronic resource  
 4 containing lists of information, usually in alphabetical order, for example people’s phone numbers  
 5 or the names and addresses of businesses in a particular area[.]”<sup>32</sup> Defendant admits as much,  
 6 referring to whitepages.com as a “directory service”;<sup>33</sup> advertising that it offers “the most accurate  
 7 online directory of contact information”;<sup>34</sup> and titling pages with the word “directory.”<sup>35</sup>

8 51. Defendant engages in this conduct for a commercial purpose. The purpose behind  
 9 listing individuals’ personal information – including cell phone numbers – on whitepages.com is  
 10 to generate ad revenue and entice users to acquire access to Defendant’s paid, full background  
 11 reports.

12 52. Defendant never requests nor receives Coloradans’ “affirmative consent, through  
 13 written, oral, or electronic means, to such listing[.]” Colo. Rev. Stat. § 6-1-304(4)(a)(I). Rather,  
 14 Defendant lists the cell phone numbers of Coloradans it has never engaged with, has had no  
 15 connection to, and who are unaware of its existence.

16 53. Defendant’s misappropriation of Class Members’ personal data (including the  
 17 economic value thereof) came at the expense of Class Members’ PTFA privacy rights. It deprived  
 18 Class Members of the real, quantifiable value of such data. And it exposed Class Members to  
 19 elevated risks of stalking, harassment, scams, identity theft, and unwanted telemarketing.

20 54. Thus, on behalf of himself and the Class, Plaintiff seeks: (1) declaratory relief; (2)  
 21 injunctive and equitable relief as is necessary to protect the interests of Plaintiff and the Class; (3)

22  
 23 <sup>32</sup> *Directory*, Oxford Learner’s Dictionary, <https://oxfordlearnersdictionaries.com/us/definition/english/directory>.  
 24 *See also* *Directory*, Merriam-Webster Online Dictionary, <https://www.merriam-webster.com/dictionary/directory>  
 25 (“an alphabetical or classified list (as of names and addresses)[.]”); *Directory*, Cambridge Essential American English  
 26 Dictionary, <https://dictionary.cambridge.org/us/dictionary/essential-american-english/directory> (“a book or list of  
 27 names and numbers”); *Directory*, AllWords.com Multi-Lingual Dictionary, <https://www.allwords.com/word-directory.html> (“A list of names, address etc., of specific classes of people or organizations, often in alphabetical  
 28 order or in some classification.”).

<sup>33</sup> <https://www.whitepages.com/privacy>.

<sup>34</sup> <https://www.whitepages.com/reverse-phone>.

<sup>35</sup> *See, e.g.*, <https://www.whitepages.com/white-pages/denver-co>; <https://www.whitepages.com/directory/name>.

1 damages, pursuant to Colo. Rev. Stat. § 6-1-305(1)(c), of at least three hundred dollars and not  
 2 more than five hundred dollars for each first offense, and at least five hundred dollars and not  
 3 more than one thousand dollars for each second or subsequent offense; and (4) reasonable  
 4 attorneys' fees and other litigation costs pursuant to Colo. Rev. Stat. § 6-1-305(1)(c).

5 **VII. PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiff on behalf of himself and the proposed Class, respectfully  
 7 requests that this Court enter an Order:

8 55. Certifying this case as a class action on behalf of the Class defined above,  
 9 appointing Plaintiff as the representative of the Class, and appointing Plaintiff's counsel as Class  
 10 Counsel;

11 56. Declaring that Defendant's actions, as set out above, violate Colo. Rev. Stat. § 6-  
 12 1-304(4)(a)(I) (Colorado's "Prevention of Telemarketing Fraud Act" or "PTFA");

13 57. Awarding damages, pursuant to Colo. Rev. Stat. § 6-1-305(1)(c), of at least three  
 14 hundred dollars and not more than five hundred dollars for each first offense, and at least five  
 15 hundred dollars and not more than one thousand dollars for each second or subsequent offense;

16 58. Awarding injunctive and other equitable relief as is necessary to protect the  
 17 interests of the Class, including, *inter alia*, an Order requiring Defendant to comply with the  
 18 PTFA;

19 59. Awarding Plaintiff and the Class their reasonable attorneys' fees and other  
 20 litigation costs pursuant to Colo. Rev. Stat. § 6-1-305(1)(c);

21 60. Awarding Plaintiff and the Class pre- and post-judgment interest, to the extent  
 22 allowable; and

23 61. Awarding such other and further relief as equity and justice may require.

24 //

25 //

26 //

27 //

1 Dated: April 10, 2025

Respectfully submitted,

2 **EMERY REDDY PLLC**

3 By: /s/ Timothy W. Emery

4 Timothy W. Emery, WSBA No. 34078  
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10 **BURSOR & FISHER, P.A.**

11 Joseph I. Marchese (*pro hac vice* forthcoming)  
12 Matthew A. Girardi (*pro hac vice* forthcoming)  
13 1330 Avenue of the Americas, 32<sup>nd</sup> Floor  
14 New York, NY  
15 Telephone: (646) 837-7127  
Facsimile: (212) 989-9163  
Email: ykopal@bursor.com  
Email: mgirardi@bursor.com

16 *Attorneys for Plaintiff*

# EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No.

ROBERT TUCKER, on behalf of himself and all others similarly situated,

Plaintiff,

v.

WHITEPAGES, INC.,

Defendant.

---

**CLASS ACTION COMPLAINT AND JURY DEMAND**

---

Plaintiff Robert Tucker (“Plaintiff”), individually and on behalf of all others similarly situated, brings this Class Action Complaint for violations of Colo. Rev. Stat. § 6-1-304 (Colorado’s “Prevention of Telemarketing Fraud Act” or “PTFA”) against Defendant Whitepages, Inc. (“Whitepages” or “Defendant”). Plaintiff makes the following allegations pursuant to his counsel’s investigation and based upon information and belief, except as to allegations specifically pertaining to himself, which are based on personal knowledge.

**NATURE OF ACTION**

1. On May 27, 2005, former Colorado Governor Bill Owens signed into law HB05-1288,<sup>1</sup> which amended the PTFA to prohibit commercially listing a cell phone number in a

---

<sup>1</sup> <https://www.leg.state.co.us/clics2005a/csl.nsf/fsbillcont2/1BB0D3E00348AC6987256F90007C20C7?Open>. See also [https://leg.colorado.gov/sites/default/files/images/olls/2005a\\_sl\\_180.pdf](https://leg.colorado.gov/sites/default/files/images/olls/2005a_sl_180.pdf).

directory, without permission.<sup>2</sup> *See* Colo. Rev. Stat. § 6-1-304(4)(a)(I).

2. This prohibition is designed to protect privacy. As former State Representative Mark Cloer,<sup>3</sup> a prime sponsor of HB05-1288,<sup>4</sup> stated in describing this new portion of the PTFA: “[m]ost people view their cell phones as private. They give out the number to friends and family and some colleagues. When their cell phone rings, they expect it to be important.”<sup>5</sup>

3. Indeed, concern over cell phone privacy is widespread. According to a research paper presented in May 2005 at the American Association for Public Opinion Research (AAPOR)’s Annual Conference<sup>6</sup> and January 2006 at the American Statistical Association (ASA)’s Second International Conference on Telephone Survey Methodology:<sup>7</sup>

[T]here appears to be a strong reluctance on the part of cell phone owners to have their cell phone numbers listed in a directory. . . .

This reluctance on the part of respondents to have their cell phone number listed in a directory may be rooted in not wishing to incur additional costs due to unsolicited incoming calls. . . .

A more likely reason for their unwillingness to have their cell phone number listed is that respondents view the cell phone as more of a private medium of communication than their land-line phone. They probably wish

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<sup>2</sup> <https://www.leg.state.co.us/CLICS2005A/commsumm.nsf/IndSumm/574E34C489356ADA87256FB100612E60?OpenDocument>. *See also* <https://www.leg.state.co.us/CLICS2005A/commsumm.nsf/91320994cb8e0b6e8725681d005cb995/574e34c489356ada87256fb100612e60?OpenDocument>.

<sup>3</sup> *See* <https://www.leg.state.co.us/clics2005a/directory.nsf>.

<sup>4</sup> <https://lawcollections.colorado.edu/colorado-session-laws/islandora/object/session%3A36205> at p. 2461. *See also* <https://www.leg.state.co.us/CLICS2005A/csl.nsf>StatusAll?OpenFrameSet>.

<sup>5</sup> <https://www.9news.com/article/news/local/politics/legislative-library-feb-23-2005/73-344789916>.

<sup>6</sup> <https://aapor.org/wp-content/uploads/2024/05/AAPORPrograms2005.pdf> at pp. 13, 84.

<sup>7</sup> [https://scholar.google.com/citations?view\\_op=view\\_citation&hl=en&user=I2jkzr0AAAAJ&citation\\_for\\_view=I2jkzr0AAAAJ:M3ejUd6NZC8C](https://scholar.google.com/citations?view_op=view_citation&hl=en&user=I2jkzr0AAAAJ&citation_for_view=I2jkzr0AAAAJ:M3ejUd6NZC8C); <https://www.amstat.org/meetings/tsmii/2006/index.cfm?fuseaction=main>.

to restrict access to their cell phone number to family and friends.<sup>8</sup>

4. The Colorado General Assembly enacted subsection (4) of the PTFA to address these privacy concerns and to protect cell phone users from the misappropriation of their personal information. This aligns with the PTFA's overall purpose, as articulated by Colo. Rev. Stat. § 6-1-301:

The general assembly hereby finds, determines, and declares that the use of telephones for commercial solicitation is rapidly increasing; that this form of communication offers unique benefits, but entails special risks and poses the potential for abuse; that the general assembly finds that the widespread practice of fraudulent and deceptive commercial telephone solicitation has caused substantial financial losses to thousands of consumers, and, particularly, elderly, homebound, and otherwise vulnerable consumers, and is a matter vitally affecting the public interest; and, therefore, that the general welfare of the public and the protection of the integrity of the telemarketing industry requires statutory regulation of the commercial use of telephones.

5. Colo. Rev. Stat. § 6-1-304(4) provides, in pertinent part:

- (a) On or after September 1, 2005, a person commits an unlawful telemarketing practice if the person knowingly:
  - (I) Lists a cellular telephone number in a directory for a commercial purpose unless the person whose number has been listed has given affirmative consent, through written, oral, or electronic means, to such listing[.]

6. Despite this abundantly clear proscription, Defendant has listed the cellular telephone numbers of thousands of Colorado residents in its for-sale and for-profit directories, without requesting (let alone actually receiving) affirmative consent to such listings.

7. Thus, while Defendant profits handsomely from its unauthorized commercial

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<sup>8</sup> <http://www.asasrms.org/Proceedings/y2005/files/JSM2005-000345.pdf> at p. 4005.

listing of Plaintiff's and other Class Members' personal information, it does so at the expense of Coloradans' statutory privacy rights, under the PTFA.

8. Not only is Defendant's misappropriation unlawful – it is also dangerous. The Federal Trade Commission's ("FTC") report on "Data Brokers" states:

There are a number of potential risks to consumers from data brokers' collection and use of consumer data. ... [T]hey may facilitate the sending of advertisements ... which some consumers may find troubling and which could undermine their trust in the marketplace. Moreover, ... people search products can be used to facilitate harassment, or even stalking, and may expose domestic violence victims, law enforcement officers, prosecutors, public officials, or other individuals to retaliation or other harm. [In addition, s]toring [d]ata [a]bout [c]onsumers [i]ndefinitely [m]ay [c]reate [s]ecurity [r]isks[.]<sup>9</sup>

9. Plaintiff brings this action to prevent Defendant from further violating the privacy rights of Colorado cell phone users and to recover statutory damages from Defendant, pursuant to Colo. Rev. Stat. § 6-1-305(1)(c).

### **PARTIES**

10. Plaintiff Robert Tucker is, and has been at all relevant times, a resident and citizen of Arvada, Colorado. Plaintiff's cellular telephone number was listed by Defendant in its directory, available at whitepages.com, to advertise and/or actually sell products and services. Defendant never requested – and Plaintiff never provided – affirmative consent, through written, oral, or electronic means, to such listing. In fact, Plaintiff has no relationship with Defendant whatsoever. Plaintiff had never heard of Defendant and had no reasonable ability to discover Defendant's use of his personal information until shortly before filing suit.

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<sup>9</sup> <https://www.ftc.gov/system/files/documents/reports/data-brokers-call-transparency-accountability-report-federal-trade-commission-may-2014/140527databrokerreport.pdf> at p. 48.

11. Defendant Whitepages, Inc. is a Delaware corporation with its principal place of business at 2033 6th Avenue, Suite 1100, Seattle, Washington 98121. Defendant operates the directory whitepages.com. Therein, and for commercial purposes, Defendant has listed the cellular telephone numbers of thousands of individuals whom it knows to reside in Colorado.

**JURISDICTION AND VENUE**

12. The Court has subject matter jurisdiction over this action under the Class Action Fairness Act, 28 U.S.C. 1332(d) *et seq.* in that the proposed Class consists of over 100 people, the Classes are minimally diverse, on information and belief more than \$5 million is at issue, and none of the exceptions to CAFA jurisdiction applies.

13. The Court has personal jurisdiction over Defendant because Defendant regularly transacts business in Colorado and a substantial part of the events giving rise to the claims asserted herein occurred in Colorado. Defendant's tortious conduct – listing the cellular telephone numbers of thousands of individuals whom Defendant knows to reside in Colorado, without requesting or receiving said individuals' affirmative consent – caused injury in Colorado and thus constituted a tort here.

14. Venue is proper in this District under 28 U.S.C. § 1391(b) because Defendant conducts significant amounts of business transactions within this District and because the wrongful conduct giving rise to this case occurred in and was directed to this District. Venue is additionally proper because Plaintiff resides in Adams County, Colorado, which is in this District.

## **LEGAL AND FACTUAL BACKGROUND**

### **I. Overview of Defendant's Directory**

15. Defendant is a data broker – a company “that collect[s] consumers’ personal information and resell[s] or share[s] that information with others[.]”<sup>10</sup>

16. Specifically, Defendant provides online “people search” (also known as “people finder”) services. People search companies, like Defendant, specialize in compiling vast amounts of information about individuals from various sources.<sup>11</sup>

17. Defendant and its competitors monetize said personal details through their directories – some of which are ad-supported and give users free access to the data, and others of which furnish reports about people for a fee.

18. Defendant’s directory is available at [whitepages.com](http://whitepages.com). There, anyone on the Internet can view Coloradans’ “verified phone numbers, home addresses, email addresses, relatives, property records, background reports, and more.”<sup>12</sup>

19. This is achieved by simply searching an individual by name, city, state, phone number, address, and/or other parameters:<sup>13</sup>

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<sup>10</sup> <https://www.ftc.gov/system/files/documents/reports/data-brokers-call-transparency-accountability-report-federal-trade-commission-may-2014/140527databrokerreport.pdf> at p. i.

<sup>11</sup> <https://consumer.ftc.gov/articles/what-know-about-people-search-sites-sell-your-information>.

<sup>12</sup> <https://www.whitepages.com/people-search>.

<sup>13</sup> *Id.*

whitepages  
SEARCH. FIND. KNOW.

Log In Sign Up

# People Search

Search by name to **find people and get contact information** for over 250 million U.S. adults.

PEOPLE SEARCH REVERSE PHONE REVERSE ADDRESS

e.g. Jon Snow City, State, or ZIP **Search**

Get the phone number  Lookup current address  Find verified emails

20. Users of whitepages.com can also find people listed by last name and city (i.e., those with the surname of “Anderson” in Denver):<sup>14</sup>

whitepages  
SEARCH. FIND. KNOW.

PEOPLE PHONE ADDRESS

e.g. Jon Snow City, State or ZIP **Search**

Log In Sign Up

## Popular last names starting with A in Denver, CO

Home > White Pages > Colorado > Denver > A

Anderson	Allen	Adams	Aguilar	Alvarez
Archuleta	Aragon	Alexander	Alvarado	Acosta
Avila	Aguirre	Arellano	Armstrong	Abeyta
Apodaca	Andrade	Ayala	Andrews	Arnold
Al	Ali	Acevedo	Austin	Armijo
Atencio	Armendariz	Arroyo	Ahmed	Amaya
Anaya	Arreola	Avalos	Arguello	Arias

<sup>14</sup> <https://www.whitepages.com/white-pages/denver-co/a>.

21. After entering this information, a whitepages.com user is furnished a list of search results. Each result corresponds to an actual person that Defendant has located who matches the searched parameters.<sup>15</sup>

The image is a screenshot of a whitepages.com search results page. At the top, it says "in [REDACTED] 1000+ people found". Below that, a search bar shows "Find [REDACTED] current address in [REDACTED] phone number and email. Contact information for people named [REDACTED] found in [REDACTED] ... more". The results are presented in two sections, each with a "View Full Report" button. Each section includes a "AGE" field (with a redacted value), a "MAY GO BY" field (with a redacted value), an "ADDRESSES" field (with a redacted value), a "RELATED TO" field (with a redacted value), and an "EMAIL" field (with a redacted value). Below each section are links for "Phone | Address | Email". The contact information for each person is heavily redacted with black bars.

22. Upon selecting a particular person to investigate from the search results, a whitepages.com user can access a free, limited preview of Defendant's paid, full background reports. Whitepages.com free, limited previews include searched individuals' cell phone number(s) and a plethora of other identifying information.<sup>16</sup>

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<sup>15</sup> Note, in this image of whitepages.com's search results, Plaintiff's counsel has redacted certain sensitive personal information (black portions). Defendant, itself, also blurs certain information (pixelated portions) to entice users to purchase Defendant's full background reports and gain complete access.

<sup>16</sup> Note, in this image of whitepages.com's free, limited preview, Plaintiff's counsel has redacted certain sensitive personal information (blue portions). Defendant, itself, also blurs certain information (pixelated portions) to entice users to purchase Defendant's full background reports and gain complete access.

PEOPLE SEARCH PHONE ADDRESS

Log In Sign Up

People Search > [REDACTED]

Monitor

Age Range

Get [REDACTED]'s Background Report

0 Criminal & Traffic 0 Public 3 Property 0 More

[View Background Report](#)

Get [REDACTED]'s Contact Info

Landlines (9) See 3 More >

Cell Phones (7) See 2 More >

Emails [REDACTED]@hotmail.com See 2 More >

[View \[REDACTED\]'s Contact Info](#)

[REDACTED] is currently in their 50s. Relatives and family members of [REDACTED] include [REDACTED] currently resides at [REDACTED] in a single family | ...more

Phone Numbers for [REDACTED] 9

We found 9 verified phone numbers for [REDACTED]. Phone numbers include both cell phones and landlines.

**Cell Phones (3)**

✓ PRIMARY (7) [REDACTED] [REDACTED] [View Cell Phone Numbers](#)

**Landlines (4)**

✓ PRIMARY (9) [REDACTED] [REDACTED] [View More Landlines](#)

**Other (2)**

✓ PRIMARY (9) [REDACTED] [REDACTED]

[View Phone Numbers](#)

Addresses for [REDACTED] 10

We found 10 home addresses for [REDACTED]. Address may include current or past addresses and owned properties.

✓ CURRENT [REDACTED]

23. Defendant also makes available paid, full background reports that do not redact or blur searched individuals' sensitive personal information whatsoever – including cell phone numbers. Instead, they offer a comprehensive view into said individuals' private details.<sup>17</sup>

May also be known as [REDACTED]

AGE [REDACTED]

LOCATION [REDACTED]

Monitor

Criminal records Some Legal Troubles Foreclosures Married

Phone Numbers 7 Addresses 6 Relatives & Associates 16 Criminal Records 4 Traffic Records 4 >

Phone Numbers

LANDLINES (4)

✓ PRIMARY [REDACTED] [REDACTED] Show 2 More

CELL PHONES (4)

✓ PRIMARY [REDACTED] [REDACTED] Show 2 More

OTHER (1)

Addresses 1 NEW

Zackary has 1 current address and 5 previous addresses.

✓ PRIMARY NEW OWNER [REDACTED] Map

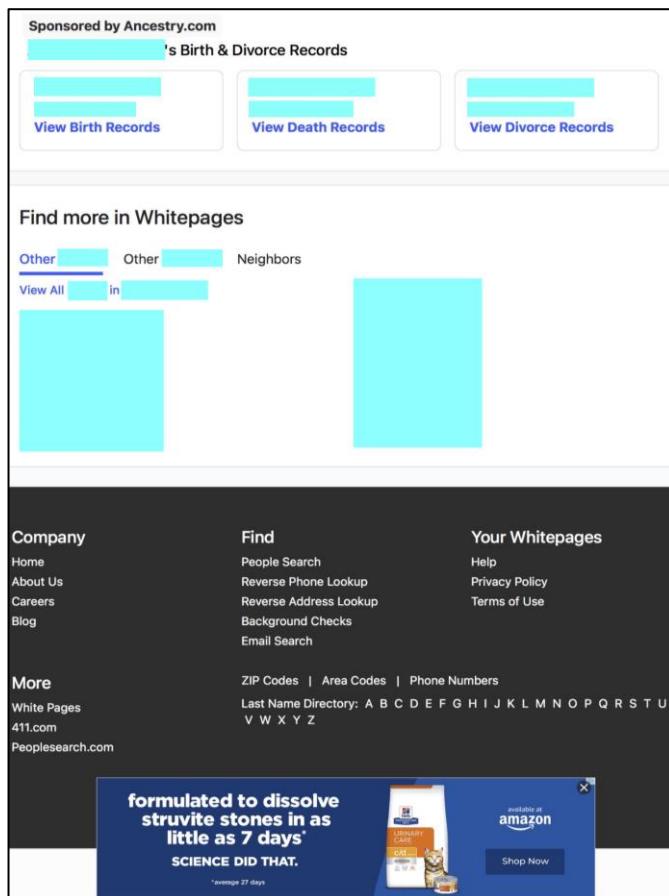
✓ PRIMARY RENTER [REDACTED] Map

<sup>17</sup> Note, in this image of whitepages.com's paid, full background report, Plaintiff's counsel has redacted certain sensitive personal information (black portions).

24. As the above images of whitepages.com make clear, Defendant knowingly lists Coloradans' cell phone numbers. On whitepages.com, Defendant states: "We found [] verified phone numbers for [a particular person]. Phone numbers include both cell phones and landlines." Defendant encourages users to "View Cell Phone Numbers[.]" And Defendant does, in fact, provide phone numbers for what it correctly labels "Cell Phones."

25. The purpose behind listing individuals' personal information – including cell phone numbers – on whitepages.com is twofold.

26. First, listing said information helps Defendant generate ad revenue. Defendant advertises how pages are "Sponsored by Ancestry.com" (which, on information and belief, pays Defendant for that distinction), and Defendant advertises other third-parties' products and services (here, pet food being sold on Amazon).



27. Second, listing said information helps Defendant entice users to acquire access to Defendant's paid, full background reports.

28. To acquire a full background report from Defendant, a whitepages.com user can either (a) pay a one-time fee of \$11.99 for a single report or (b) pay a monthly subscription fee ranging from \$5.99 per month to \$109.99 per month:<sup>18</sup>

whitepages  
SEARCH. FIND. KNOW.

Need Help? (800) 916-7806  
Already have an account? [Log In](#)

Get complete contact info & more with Premium

Every 3 seconds a Premium subscriber finds the exact info they need

Premium Contact Info	Premium Business	Premium Business Enterprise	Background Report
<b>\$5.99/mo</b>	<b>\$9.99/mo</b>	<b>\$109.99/mo</b>	<b>\$11.99/once</b>
Contact info, including all phones & addresses	Complete contact info, including all emails, phones & addresses <b>PLUS</b> time-saving tools	500 contact info lookups, including all emails, phones & addresses <b>PLUS</b> time-saving tools	Complete contact info <b>PLUS</b> property, criminal & public records
<a href="#">Select</a>	<a href="#">Select</a>	<a href="#">Select</a>	<a href="#">Select</a>
<i>Cancel anytime.</i>	<i>Cancel anytime.</i>	<i>Cancel anytime.</i>	<i>No commitment</i>
<b>Includes:</b>	<b>All of Premium Contact Info, plus:</b>	<b>All of Premium Business, plus:</b>	<b>Includes:</b>
<input checked="" type="checkbox"/> 20 Contact Info Lookups <input checked="" type="checkbox"/> Save & Export Contacts	<input checked="" type="checkbox"/> Email Addresses <small>NEW</small> <small>①</small> <input checked="" type="checkbox"/> Property Value Forecasts <small>NEW</small> <small>①</small> <input checked="" type="checkbox"/> Speed Search	<input checked="" type="checkbox"/> More Contact Info Lookups	<input checked="" type="checkbox"/> 1 Background Report <small>①</small>

29. Users can also access a 5-day trial membership for \$1:

whitepages PREMIUM

SPECIAL OFFER

**5-day Trial Membership \$1**

- Complete contact info
- All phones, emails, addresses, and property info

<sup>18</sup> <https://www.whitepages.com/checkout/pricing>.

30. Thus, the listing of Plaintiff's and Class Members' cell phone numbers is for a commercial purpose. Indeed, that is Defendant's entire business model. Defendant is literally selling Plaintiff's and Class Members' cell phone numbers and accompanying information to its customers and subscribers.

## **II. Defendant's Conduct Harms Coloradans**

31. Consumer data is key to the \$26 billion-per-year online advertising industry in the United States.<sup>19</sup> Clearly, and per the FTC, consumer data possesses inherent monetary value:

Most consumers cannot begin to comprehend the types and amount of information collected by businesses, or why their information may be commercially valuable. Data is currency. The larger the data set, the greater potential for analysis – and profit.<sup>20</sup>

32. In fact, individuals' private information has become such a valuable commodity that companies now offer individuals the opportunity to monetize their personal data.<sup>21</sup>

33. These companies' business models capitalize on a fundamental principle underlying the modern information marketplace: Consumers recognize the economic value of their private data. Along these lines, research shows that consumers are willing to pay a premium to purchase services from companies that adhere to more stringent policies of

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<sup>19</sup> <http://online.wsj.com/article/SB10001424052748703529004576160764037920274.html>.

<sup>20</sup> [https://www.ftc.gov/sites/default/files/documents/public\\_statements/remarks-ftc-exploring-privacy-roundtable/091207privacyroundtable.pdf](https://www.ftc.gov/sites/default/files/documents/public_statements/remarks-ftc-exploring-privacy-roundtable/091207privacyroundtable.pdf) at p. 2.

<sup>21</sup> See, e.g., <https://www.washingtonpost.com/technology/2023/02/06/consumers-paid-money-data/>; <http://www.nytimes.com/2012/02/13/technology/start-ups-aim-to-help-users-put-a-price-on-their-personal-data.html>; <https://techcrunch.com/2023/08/16/caden-lands-15m-to-let-users-monetize-their-personal-data/>; <https://www.theverge.com/2019/6/11/18661595/facebook-study-app-monitor-phone-usage-pay>; <https://sifted.eu/articles/gener8>; <https://www.theverge.com/2012/2/8/2785751/google-screenwise-panel-web-monitoring-knowledge-networks>; <https://www.sidehustlenation.com/get-paid-for-your-data/>; <https://millennialmoneymen.com/get-paid-for-your-data/>.

protecting their data.<sup>22</sup> A 2014 survey conducted by Harris Interactive on behalf of TRUSTe, Inc. showed that 89 percent of consumers avoid doing business with companies who they believe do not protect their privacy.<sup>23</sup> The same is true for 80 percent of smartphone users, who say that they avoid using smartphone apps that they don't believe protect their privacy.<sup>24</sup>

34. Defendant's misappropriation of Coloradans' cell phone numbers undeniably deprives state residents of the ability to enjoy their PTFA privacy rights. It also deprives them of the real, quantifiable value of such data.

35. Further, “[p]eople search sites … offer a wealth of information that can be exploited by malicious actors.”<sup>25</sup> For one, “[b]undling [personal data] all together and making it so easily accessible can … put ordinary people at risk of … stalking and other forms of harassment.”<sup>26</sup> Second, people search sites’ “comprehensive data allows cybercriminals to build detailed profiles of potential victims, making it easier to craft convincing scams or carry out identity theft.”<sup>27</sup> This “put[s] almost anyone within the reach of fraudulent telemarketers[]” and other wrongdoers.<sup>28</sup>

36. Information disclosures like Defendant's are particularly dangerous to the elderly.

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<sup>22</sup> See, e.g., [https://web.archive.org/web/20240420201259/https://www.enisa.europa.eu/publications/monetising-privacy/@\\_@download/fullReport](https://web.archive.org/web/20240420201259/https://www.enisa.europa.eu/publications/monetising-privacy/@_@download/fullReport); <https://citeseerx.ist.psu.edu/document?repid=rep1&type=pdf&doi=8b70320d110370c82ca9cbab768db58b74878234>.

<sup>23</sup> See [https://web.archive.org/web/20190820142832/http://www.theagitator.net/wp-content/uploads/012714\\_ConsumerConfidenceReport\\_US1.pdf](https://web.archive.org/web/20190820142832/http://www.theagitator.net/wp-content/uploads/012714_ConsumerConfidenceReport_US1.pdf) at p. 3.

<sup>24</sup> *Id.*

<sup>25</sup> <https://www.foxnews.com/tech/dangerous-intersection-people-search-sites-scams>.

<sup>26</sup> [https://innovation.consumerreports.org/Data-Defense\\_-Evaluating-People-Search-Site-Removal-Services-.pdf](https://innovation.consumerreports.org/Data-Defense_-Evaluating-People-Search-Site-Removal-Services-.pdf).

<sup>27</sup> <https://www.foxnews.com/tech/dangerous-intersection-people-search-sites-scams>.

<sup>28</sup> <http://www.nytimes.com/2007/05/20/business/20tele.html>.

“Older Americans are perfect telemarketing customers, analysts say, because they are often at home, rely on delivery services, and are lonely for the companionship that telephone callers provide.”<sup>29</sup> The FTC notes that “[t]he elderly often are the deliberate targets of fraudulent telemarketers who take advantage of the fact that many older people have cash reserves or other assets to spend on seemingly attractive offers.”<sup>30</sup>

37. Making matters worse, “[o]nce marked as receptive to [a specific] type of spam, a consumer often is bombarded with similar fraudulent offers from a host of scam artists.”<sup>31</sup>

### **CLASS ALLEGATIONS**

38. Pursuant to Fed. R. Civ. P. 23, Plaintiff seeks to represent a class defined as all Colorado residents whose cell phone numbers were listed on whitepages.com (the “Class”).

39. Plaintiff reserves the right to modify the Class definition, including by using subclasses, as appropriate based on further investigation and discovery obtained in the case.

40. **Numerosity:** The Class is composed of at least thousands of individuals, the joinder of which in one action would be impracticable. The disposition of their claims through this class action will benefit both the parties and the Court.

41. **Existence and Predominance of Common Questions of Fact and Law:** There is a well-defined community of interest in the questions of law and fact involved affecting the members of the proposed Class. The questions of law and fact common to the proposed Class predominate over questions affecting only individual Class Members. Such questions include,

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<sup>29</sup> *Id.*

<sup>30</sup> [https://www.ftc.gov/sites/default/files/documents/public\\_statements/prepared-statement-federal-trade-commission-fraud-against-seniors/agingtestimony.pdf](https://www.ftc.gov/sites/default/files/documents/public_statements/prepared-statement-federal-trade-commission-fraud-against-seniors/agingtestimony.pdf) at p. 1.

<sup>31</sup> *Id.* at p. 3.

but are not limited to, the following: whether Defendant violated Colo. Rev. Stat. § 6-1-304(4)(a)(I); and whether Plaintiff and Class Members are entitled to damages, reasonable attorneys' fees, pre-judgment interest and costs of this suit, pursuant to Colo. Rev. Stat. § 6-1-305(1)(c).

42. **Typicality:** The claims of the named Plaintiff are typical of the claims of the Class because Plaintiff, like all other Class Members, had his cell phone number listed on whitepages.com for a commercial purpose; Defendant did so without requesting or receiving Plaintiff's affirmative consent (through written, oral, or electronic means); and Defendant's misappropriation of Plaintiff's personal data (including the economic value thereof) came at the expense of Plaintiff's PTFA privacy rights.

43. **Adequacy:** Plaintiff is an adequate representative of the Class because his interests do not conflict with the interests of the Class he seeks to represent, he has retained competent counsel experienced in prosecuting class actions, and he intends to prosecute this action vigorously. The interests of the Class will be fairly and adequately protected by Plaintiff and his counsel.

44. **Superiority:** The class mechanism is superior to other available means for the fair and efficient adjudication of the claims of Class. Each individual Class Member may lack the resources to undergo the burden and expense of individual prosecution of the complex and extensive litigation necessary to establish Defendant's liability. Individualized litigation increases the delay and expense to all parties and multiplies the burden on the judicial system presented by the complex legal and factual issues of this case. Individualized litigation also presents a potential for inconsistent or contradictory judgments. In contrast, the class action

device presents far fewer management difficulties and provides the benefits of single adjudication, economy of scale, and comprehensive supervision by a single court on the issue of Defendant's liability. Class treatment of the liability issues will ensure that all claims and claimants are before this Court for consistent adjudication of the liability issues. Finally, Defendant has acted or refused to act on grounds generally applicable to the entire Class, thereby making it appropriate for this Court to grant final injunctive relief and declaratory relief with respect to the Class as a whole.

### **CAUSES OF ACTION**

#### **COUNT I**

##### **Violation of the Prevention of Telemarketing Fraud Act, Colo. Rev. Stat. § 6-1-304(4)(a)(I)**

45. Plaintiff incorporates the foregoing allegations as if fully set forth herein.
46. Plaintiff brings this claim individually and on behalf of the members of the proposed Class against Defendant.
47. Colo. Rev. Stat. § 6-1-304(4) provides:
  - (a) On or after September 1, 2005, a person commits an unlawful telemarketing practice if the person knowingly:
    - (I) Lists a cellular telephone number in a directory for a commercial purpose unless the person whose number has been listed has given affirmative consent, through written, oral, or electronic means, to such listing[.]
48. Defendant failed to comply with this PTFA mandate.
49. Defendant knowingly lists Coloradans' cell phone numbers. On whitepages.com, Defendant states: "We found [] verified phone numbers for [a particular person]. Phone numbers include both cell phones and landlines." Defendant encourages users to "View Cell Phone

Numbers[.]” And Defendant indeed provides phone numbers for what it correctly labels “Cell Phones.”

50. Defendant’s website, whitepages.com, is a directory – i.e., an “electronic resource containing lists of information, usually in alphabetical order, for example people’s phone numbers or the names and addresses of businesses in a particular area[.]” *Directory, Oxford Learner’s Dictionary*, <https://oxfordlearnersdictionaries.com/us/definition/english/directory>.<sup>32</sup> Defendant admits as much, referring to whitepages.com as a “directory service”;<sup>33</sup> advertising that it offers “the most accurate online directory of contact information”;<sup>34</sup> and titling pages with the word “directory.”<sup>35</sup>

51. Defendant engages in this conduct for a commercial purpose. The purpose behind listing individuals’ personal information – including cell phone numbers – on whitepages.com is to generate ad revenue and entice users to acquire access to Defendant’s paid, full background reports.

52. Defendant never requests nor receives Coloradans’ “affirmative consent, through written, oral, or electronic means, to such listing[.]” Colo. Rev. Stat. § 6-1-304(4)(a)(I). Rather, Defendant lists the cell phone numbers of Coloradans it has never engaged with, has had no

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<sup>32</sup> See also *Directory, Merriam-Webster Online Dictionary*, <https://www.merriam-webster.com/dictionary/directory> (“an alphabetical or classified list (as of names and addresses)[.]”); *Directory, Cambridge Essential American English Dictionary*, <https://dictionary.cambridge.org/us/dictionary/essential-american-english/directory> (“a book or list of names and numbers”); *Directory, AllWords.com Multi-Lingual Dictionary*, <https://www.allwords.com/word-directory.html> (“A list of names, address etc., of specific classes of people or organizations, often in alphabetical order or in some classification.”).

<sup>33</sup> <https://www.whitepages.com/privacy>.

<sup>34</sup> <https://www.whitepages.com/reverse-phone>.

<sup>35</sup> See, e.g., <https://www.whitepages.com/white-pages/denver-co>; <https://www.whitepages.com/directory/name>.

connection to, and who are unaware of its existence.

53. Defendant's misappropriation of Class Members' personal data (including the economic value thereof) came at the expense of Class Members' PTFA privacy rights. It deprived Class Members of the real, quantifiable value of such data. And it exposed Class Members to elevated risks of stalking, harassment, scams, identity theft, and unwanted telemarketing.

54. Thus, on behalf of himself and the Class, Plaintiff seeks: (1) declaratory relief; (2) injunctive and equitable relief as is necessary to protect the interests of Plaintiff and the Class; (3) damages, pursuant to Colo. Rev. Stat. § 6-1-305(1)(c), of at least three hundred dollars and not more than five hundred dollars for each first offense, and at least five hundred dollars and not more than one thousand dollars for each second or subsequent offense; and (4) reasonable attorneys' fees and other litigation costs pursuant to Colo. Rev. Stat. § 6-1-305(1)(c).

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff on behalf of himself and the proposed Class, respectfully requests that this Court enter an Order:

- (a) Certifying this case as a class action on behalf of the Class defined above, appointing Plaintiff as the representative of the Class, and appointing Plaintiff's counsel as Class Counsel;
- (b) Declaring that Defendant's actions, as set out above, violate Colo. Rev. Stat. § 6-1-304(4)(a)(I) (Colorado's "Prevention of Telemarketing Fraud Act" or "PTFA");
- (c) Awarding damages, pursuant to Colo. Rev. Stat. § 6-1-305(1)(c), of at least three hundred dollars and not more than five hundred dollars for each first offense, and at least five hundred dollars and not more than one thousand dollars for each second or subsequent offense;

- (d) Awarding injunctive and other equitable relief as is necessary to protect the interests of the Class, including, *inter alia*, an Order requiring Defendant to comply with the PTFA;
- (e) Awarding Plaintiff and the Class their reasonable attorneys' fees and other litigation costs pursuant to Colo. Rev. Stat. § 6-1-305(1)(c);
- (f) Awarding Plaintiff and the Class pre- and post-judgment interest, to the extent allowable; and
- (g) Awarding such other and further relief as equity and justice may require.

**JURY TRIAL DEMANDED**

Plaintiff demands a trial by jury for all issues so triable.

Dated: December 18, 2024

Respectfully submitted,

/s/ Patrick H. Peluso  
One of Plaintiff's Attorneys

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*\*Admission to be sought*

*Counsel for Plaintiff and the Putative Class*

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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR THE COUNTY OF KING**

CLARK

No. 25-2-11215-2 SEA

VS

**CERTIFICATE OF E-SERVICE**

WHITEPAGES INC

I, Kimberlee Gunning, certify that I initiated electronic service of the following document(s) on the parties listed below who have consented to accept electronic service via the King County eFiling Application. Service was initiated on May 2nd, 2025 at 12:45 p.m.

Document(s):

1. Notice

Parties:

1. PaulCipriani, Attorney for Plaintiff
2. , E-Mail: paul@emeryreddy.com
3. PatrickReddy, Attorney for Plaintiff
4. , E-Mail: reddyp@emeryreddy.com
5. TimothyEmery, Attorney for Plaintiff
6. , E-Mail: emeryt@emeryreddy.com

Executed this 2nd day of May, 2025.

s/Kimberlee Gunning, 0 gunning@goldfarb-huck.com